

DOCUMENTS ON PALESTINE

Volume VI (1999-2002):

11. Middle East Peace Negotiations (IV): 1999-2001
(Post-Sharm El-Sheikh Memorandum - Taba Talks)
12. Stalemate in the Middle East Peace Negotiations:
Post-Taba Talks – October 2002

Edited by Dr. Mahdi Abdul Hadi



PASSIA
Palestinian Academic Society for the Study of International Affairs

PASSIA, the Palestinian Academic Society for the Study of International Affairs, is an independent Palestinian non-profit institution, not affiliated with any government, political party or organization. PASSIA seeks to present the Question of Palestine in its national, regional and international contexts through academic research, dialogue and publication.

PASSIA endeavors that research undertaken under its auspices be specialized and scientific and that its symposia and workshops, whether international or intra-Palestinian, be open, self-critical and conducted in a spirit of cooperation.

The publication of this book was kindly supported by the **Finnish Representative Office** in Ramallah (<http://www.finrep.org/>) and by the **Palestine Investment Fund (PIF)**, Ramallah (<http://www.pif.ps>), which is an independent Palestinian company with all its assets and capital belonging to the Palestinian people, aiming to develop a sustainable, strong Palestinian national economy through various strategic investments in association with the private sector.



**REPRESENTATIVE OFFICE
OF FINLAND, RAMALLAH**



**صندوق الاستثمار الفلسطيني
PALESTINE INVESTMENT FUND**

Volumes of this series:

Volume I: Until 1947
Volume II: 1948-1973
Volume III: 1974-1987
Volume IV: 1987-1994
Volume V: 1995-1999
Volume VI: 1999-2002
Volume VII: 2002-2005
Volume VIII: 2005-2007

ISBN 978-9950-305-29-8

Copyright © PASSIA

PASSIA Publication – December 2007

Tel: (02)626 4426 ▪ Fax: (02)628 2819

E-mail: passia@palnet.com ▪ Website: www.passia.org

PO Box 19545, Jerusalem

CONTENTS

◆ ◆ ◆ ◆ ◆ Volume VI

Introduction	i
11. <u>Middle East Peace Negotiations (III): 1999-2001 (Post-Sharm El-Sheikh Memorandum – Taba Talks)</u>	1
Israeli High Court of Justice, Judgement on the Use of Torture, Jerusalem, 6 September 1999	1
US Letter of Assurance to PLO Chairman Yasser Arafat, 8 September 1999	18
European Union Letter of Assurance to PLO Chairman Yasser Arafat, 8 September 1999	19
PLO Chairman Yasser Arafat, Remarks on the Sharm Al-Sheikh Memorandum to the Arab Foreign Ministers Council, Cairo, 12 September 1999 [<i>Excerpts</i>]	20
Israeli Foreign Minister David Levy, Statement at the Resumption of the Israel-PA Permanent Status Negotiations, Erez, 13 September 1999	22
Standing Conference of Middle Eastern Christian and Muslim Religious Leaders in America, Antiochian Orthodox Archdiocese of North America, 16 September 1999	24
Final Communiqué, Meeting of Ministers for Foreign Affairs and Heads of Delegation of the Movement of Non-Aligned Countries, New York, 23 September 1999 [<i>Excerpts</i>]	25
Assistant Saudi Foreign Minister Nizar Obaid Madani, Statement to the UN General Assembly, New York, 30 September 1999 [<i>Excerpts</i>]	26
Protocol Concerning Safe Passage between the West Bank and the Gaza Strip, 5 October 1999	27
Israeli Cabinet, Communiqué Regarding Prime Minister Ehud Barak's Call for a Separation between Israel and the Palestinians, Jerusalem, 24 October 1999	32
Oded Eran, Head of the Israeli Delegation, Speech Opening the Final Status Negotiations, 8 November 1999	32
Gulf Cooperation Council, Closing Statement, 20 th Session of the Supreme Council, Riyadh, 27-29 November 1999 [<i>Excerpts</i>]	34
Petition of the Twenty, "A Call from the Homeland," Palestine, 27 November 1999	35
Palestinian Political Personalities, Reconciliation Document, 1 December 1999	36
Statement in Support of the Palestinian Signatories of the Petition of the Twenty, 1 December 1999	37

US Secretary of State Madeleine Albright, Statement at the Opening Plenary of the Multilateral Steering Group (Middle East Peace), Moscow, 1 February 2000	37
Basic Agreement between the Holy See and the Palestine Liberation Organization, Vatican, 15 February 2000	39
Israeli Government, Resolution Regarding the Redeployment from Lebanon, 5 March 2000	41
Israeli Cabinet, Statement Regarding the Redeployment in the West Bank, 19 March 2000	41
His Holiness Pope John Paul II, Speech at Dheisheh Refugee Camp, Bethlehem, 22 March 2000	41
Palestinian Intellectuals, "Message to the Israeli and Jewish Public," March 2000	42
Ministers of Foreign Affairs of the Movement of the Non-Aligned Countries, Final Document, 13 th Ministerial Conference, Cartagena, 8-9 April 2000 <i>[Excerpts]</i>	43
Declaration of the Group of 77, South Summit, Havana, 10-14 April 2000 <i>[Excerpts]</i>	45
The Jerusalem Sabeel Document - Principles for a Just Peace in Palestine-Israel, 15 May 2000	45
European Union Presidency, Statement on the Middle East Peace Process, 22 May 2000	49
Ad Hoc Liaison Committee, "West Bank and Gaza Economic Policy Framework Progress Report," Lisbon, 7-8 June 2000 <i>[Excerpts]</i>	50
Palestinian Authority, "Pathway toward a Palestinian Vision for 2005 and Beyond," Lisbon, 7-8 June 2000 <i>[Excerpts]</i>	53
American "Non-Paper" on the Israel-Palestinian Stockholm Negotiations, June 2000	55
Report of the Second Session of the Council of the Parliamentary Union of the OIC Member States, Cairo, Egypt, 3-4 July 2000 <i>[Excerpts]</i>	56
US President Bill Clinton, Statement on the Announcement of the Camp David Summit, 5 July 2000	57
Israeli Prime Minister Ehud Barak, Address to the Knesset Regarding the Camp David Summit, Jerusalem, 10 July 2000	59
US President Bill Clinton, Remarks Upon Departure for the Camp David Peace Summit, 11 July 2000	61
G-8 Summit, Statement on Regional Issues, Okinawa, 21 July 2000 <i>[Excerpts]</i>	61
Trilateral Statement on the Middle East Summit, Camp David, Maryland, 25 July 2000	62
US President Clinton, Remarks on Returning from Camp David, Maryland, 25 July 2000	62

Israeli Prime Minister Ehud Barak, Press Statement Regarding the Camp David Summit, 25 July 2000	64
Israeli Prime Minister Ehud Barak, Statement upon Returning from the Camp David Summit, 26 July 2000	65
US President Bill Clinton, Interview with Israel Television Channel 1 on the Camp David Summit, 27 July 2000	66
Mahmoud Abbas, Report on the Camp David Summit to the PLO Central Council, Gaza, 9 September 2000	72
US Congress, Peace through Negotiations Act of 2000 (H. R. 5272), Providing for a US Response in the Event of a Unilateral Declaration of a Palestinian State, 106 th Congress, 2 nd Session, 27 September 2000	75
Statement by Ambassador Dumisani S. Kumalo, Permanent Representative of South Africa to the UN Nations, on Behalf of the Non-Aligned Movement, to the UN Security Council on the Situation in the Middle East, including the Palestinian Question, 3 October 2000	77
UN Security Council, Resolution 1322 on the Violence in Israel and the Occupied Territories, New York, 7 October 2000	78
European Union, Declaration on the Middle East, Luxembourg, 9 October 2000	79
National Council of Churches and Church World Service and Witness, Statement on Middle East Violence, 11 October 2000 [<i>Excerpts</i>]	79
Letter by 96 US Senators to President Clinton Concerning Palestinian Violence against Israel, Washington, 12 October 2000	80
Pax Christi and Jerusalem, Appeal to Members of Parliament and Ministers of Foreign Affairs within the European Union, 13 October 2000	81
Presbyterian Church (USA), Office of the General Assembly, Statement Regarding the Recent Cycle of Violence in Palestine, 14 October 2000	84
United States Catholic Conference, Committee on International Policy, Statement by Chairman Cardinal Bernard Law on 'Wounded Peace: Conflict in the Holy Land', Washington, 16 October 2000	85
Egyptian President Hosni Mubarak, Concluding Remarks at the Middle East Peace Summit, Sharm Esh-Sheikh, Egypt, 17 October 2000	86
US President Bill Clinton, Concluding Remarks at the Middle East Peace Summit, Sharm Esh-Sheikh, Egypt, 17 October 2000	86
Israeli Prime Minister Ehud Barak, Remarks after the Conclusion of the Sharm Esh-Sheikh Summit, Sharm Esh-Sheikh Airport, 17 October 2000 [<i>Excerpts</i>]	88
UN General Assembly, Resolution ES-10/7, New York, 20 October 2000	88
Crown Prince Abdullah of Saudi Arabia, Speech at the Arab League Emergency Summit, Cairo, 21-22 October 2000	90

Final Communiqué of the Extraordinary Arab Summit Conference, Cairo, 22 October 2000	92
Palestinian Academics and Activists, Urgent Statement to the Israeli Public, 10 November 2000	95
Chair of the Non-Aligned Movement, President Thabo Mbeki, Address to the 9 th Session of the Islamic Summit Conference, Doha, Qatar, 12 November 2000	97
Saudi Crown Prince Abdullah Bin Abdul Aziz, Address at the Organization of the Islamic Conference Summit, Doha, 12 November 2000 <i>[Excerpts]</i>	99
Final Communiqué, Declaration on Al-Aqsa Intifada and Doha Declaration, 9 th Session of the Islamic Summit Conference (Session of Peace and Development, "Al-Aqsa Intifada"), Doha, Qatar, 12-13 November 2000 <i>[Excerpts]</i>	99
Israeli Prime Minister Ehud Barak, Speech on Israel's Requirements for a Peace Agreement, Greater Assembly of United Jewish Communities, Chicago, Illinois, 13 November 2000 <i>[Excerpts]</i>	109
US Catholic Conference, Returning to the Path of Peace in the Middle East, 15 November 2000	109
National Council of Churches of Christ in the USA, General Assembly Resolution on the Conflict in the Middle East, Atlanta, 17 November 2000	111
Declaration of the Joint Meeting of Muslim Imams and Bishops and Clergy of the Different Denominations of the Churches in Egypt, 19 November 2000	111
Statement by South Africa on "The Situation in the Middle East, including the Palestinian Question", UN Security Council, New York, 22 November 2000	112
UN High Commissioner for Human Rights, Mary Robinson, on the "Question of the Violation of Human Rights in the Occupied Arab Territories, including Palestine", New York, 29 November 2000 <i>[Excerpts]</i>	113
Bishops' Conference of England and Wales, Statement on the Importance of Sustaining the Momentum of the Peace Process in the Holy Land, November 2000	122
World Council of Churches, Message to their Beatitudes the Patriarchs and Heads of Christian Communities in Jerusalem, Geneva, 12 December 2000	123
UN Security Council, Draft Resolution on the Deployment of a UN Observer Force in the Palestinian Territories 1171 (2000), New York, 18 December 2000	124
The Clinton Parameters, 23 December 2000	125
Government of Israel, Final Statement to the Mitchell Committee, Jerusalem, 28 December 2000 <i>[Excerpts]</i>	127
Palestine Liberation Organization, Second Submission to the Mitchell Committee, Ramallah and Gaza, 30 December 2000 <i>[Excerpts]</i>	130

Gulf Cooperation Council, Closing Statement, 21 st Session of the Supreme Council, Manama, 30-31 December 2000 <i>[Excerpts]</i>	132
PLO Negotiating Team, Reservations Concerning US President Clinton's 23 December Proposals for an Israeli-Palestinian Peace Agreement, Ramallah and Gaza, 1 January 2001 <i>[Excerpts]</i>	132
US President Bill Clinton, Remarks at an Israel Policy Forum Dinner, New York City, 7 January 2001 <i>[Excerpts]</i>	136
PLO Negotiating Affairs Department, Assessment of the Clinton Administration's Involvement in the Palestinian-Israeli Peace Process, Ramallah and Gaza, 22 January 2001	144
Palestinian Proposal on Palestinian Refugees and Israeli Private Response, Taba, 22 and 23 January 2001	146
Joint Statement at the Close of the Taba Talks, 27 January 2001	152
The Moratinos "Non-Paper", January 2001	153
Fateh Movement, 44 Reasons Why to Reject the 'Clinton Proposals', January 2001	160
12. <u>Stalemate in the Middle East Peace Negotiations: 2001-2002</u> (<u>Post-Taba Talks - October 2002</u>)	165
Israeli Prime Minister Ehud Barak, Decision to Suspend Diplomatic Contacts with the Palestinian Authority, Jerusalem, 28 January 2001	165
World Council of Churches, Central Committee, Report of the Public Issues Committee, Potsdam, Germany, 29 January-6 February 2001 <i>[Excerpts]</i>	165
European Union Presidency, Declaration on the Elections in Israel, 7 February 2001	166
European Union Presidency, Statement on Extrajudicial Killings, 13 February 2001	167
Draft of the Palestinian Constitution, 14 February 2001	167
UN Commission on Human Settlements, Resolution 18/12 on the Illegal Israeli Human Settlements in the Occupied Palestinian Territories, 16 February 2001	182
Statement by Fadl Nacerodien on Behalf of Ambassador Dumisani Kumalo, Permanent Representative of South Africa to the UN, on Behalf of the Non-Aligned Movement, 15 March 2001	183
Arab League Summit, Final Statement, Amman, 27-28 March 2001	184
Saudi Prince Sultan Bin Abdul Aziz, Address to the 13 th Arab Summit, Amman, 28 March 2001 <i>[Excerpts]</i>	190
Commission of the Churches on International Affairs of the World Council of Churches, Oral Intervention on the Question of the Violation of Human Rights, in the Occupied Arab Territories, including Palestine, 57 th Session of the UN High Commission on Human Rights, Geneva, 28 March 2001	191

European Union Presidency, Declaration on the Deteriorating Situation in the Middle East, Brussels, 29 March 2001	192
European Union Presidency, Declaration on Israeli Settlement Activities, Brussels, 4 April 2001	193
European Union Presidency, Declaration on the Situation in the Middle East, 12 April 2001	193
Letter by 87 US Senators to President George W. Bush Calling for Reassessing US-Palestinian Relations, Washington DC, 15 April 2001	193
Jordanian-Egyptian Proposal for Cessation of Palestinian-Israeli Violence and Resumption of Negotiations, 17 April 2001	194
US Secretary of State Colin Powell, Statement on the Middle East, US Department of State, Washington, DC, 17 April 2001	196
Sharm El-Sheikh Fact-Finding Committee Final Report ("Mitchell Report"), 30 April 2001 [Excerpts]	196
President Yasser Arafat, Address to the Meeting of the Foreign Ministers of the Countries of Non-Aligned Movement (NAM), Members in the Committee on Palestine and the NAM Caucus of the UN Security Council, Pretoria, 3 May 2001	213
Committee on Palestine of the Non-Aligned Movement, Communiqué of the Ministerial Meeting, Pretoria, 3 May 2001	216
Israeli Peace Coalition, Statement of Principles, Jerusalem, 8 May 2001	218
Palestine Liberation Organization, Official Response to the Final Report of the Sharm El-Sheikh Fact-Finding Committee (Mitchell Report), 15 May 2001	219
Government of Israel, Comments on the Report of the Sharm El-Sheikh Fact-Finding Committee (Mitchell Report), 15 May 2001	226
European Parliament, Resolution on the Situation in the Middle East, 17 May 2001 [Excerpts]	229
European Union Presidency, Declaration on the Situation in the Middle East, 19 May 2001	230
Saudi Crown Prince Abdullah Bin Abdul Aziz, Statement on Palestine, Damascus, 6 June 2001	230
US Church Leaders, Letter to US Secretary of State Colin Powell regarding Israeli Settlements, 7 June 2001	231
The Tenet Plan: Israeli-Palestinian Ceasefire and Security Plan, 13 June 2001	233
United States Conference of Catholic Bishops, Office of Social Development & World Peace, Resolution on the Israeli-Palestinian Crisis, 15 June 2001	235
US Ambassador to Israel Martin Indyk, Speech on the Lessons Learned from the Peace Process, Tel Aviv, 12 July 2001 [Excerpts]	237

European Union Foreign Ministers, General Affairs Council, Statement on the Situation in the Middle East, Brussels, 16 July 2001	241
G-8 Foreign Ministers, Statement on the Situation in the Middle East, Rome, 19 July 2001	241
G-8 Summit, Statement on the Middle East, Genoa, 21 July 2001 [<i>Excerpts</i>]	242
Israeli and Palestinian Peace Leaders, Common Declaration, 27 July 2001	242
European Union Presidency, Declaration on the Situation in the Middle East, 1 August 2001	243
Gush Shalom, Proposal of a Peace Agreement, 10 August 2001	244
European Union Presidency, Declaration on the Situation in the Middle East, 27 August 2001	246
United Nations, Final Declaration of the World Conference against Racism (WCAR), Passages on the Middle East, Durban, South Africa, 8 September 2001 [<i>Excerpts</i>]	247
Palestinian Legislative Council, Letter to the US Congress on the 11 September Terrorist Attacks, Ramallah, 12 September 2001	248
World Council of Churches, Executive Committee, Resolution on Ecumenical Response to the Palestinian-Israeli Conflict, Geneva, 14 September 2001	248
Palestinian Poet Mahmoud Darwish, Statement Regarding the 11 September Tragedy, Ramallah, 17 September 2001	249
Statement by Ambassador Nasser Al-Qudwa, Permanent Observer of Palestine to the UN, before the 56 th Session of the UN General Assembly, New York, 1 October 2001	250
Patriarchs and Heads of Churches in Jerusalem, Appeal on Behalf of Bethlehem, 19 October 2001	252
US President George W. Bush, Remarks at the United Nations, New York, 10 November 2001 [<i>Excerpts</i>]	253
President Yasser Arafat, Address to the UN General Assembly, 56 th Session, 46 th Plenary Meeting, New York, 11 November 2001	254
United States and Russia, Joint Statement on the Middle East, 13 November 2001	257
Final Communiqué, Meeting of the Ministers for Foreign Affairs and Heads of Delegation of the Non-Aligned Movement, 56 th Session of the UN General Assembly, New York, 14 November 2001 [<i>Excerpts</i>]	258
Foreign Ministers and Heads of Delegation of the Non-Aligned Movement, Special Declaration on Palestine, 56 th Session of the UN General Assembly, New York, 14 November 2001	258
PLO Factions, Political Statement on the Anniversary of the Declaration of Independence, 14 November 2001	259

Group of 77, Ministerial Declaration, New York, 15 November 2001 [<i>Excerpts</i>]	261
US Senators, Letter to President George W. Bush Urging Him Not to Restrain Israel, 16 November 2001	261
US Secretary of State Colin Powell, Speech on the US Vision for Middle East Peace, McConnell Center for Political Leadership at the University of Louisville, Kentucky, 19 November 2001 [<i>Excerpts</i>]	262
Statement by the Chair of Coordinating Bureau of the Non-Aligned Movement on the International Day of Solidarity with the Palestinian People, New York, 29 November 2001 ...	266
Israeli Council for Peace and Security, Plan for Unilateral Separation, November 2001	267
US President George W. Bush, Remarks on Financial Fight against Terror: Freezing Financial Assets of Groups Allegedly Linked to Hamas, The Rose Garden, Washington, DC, 4 December 2001	268
UN High Commissioner for Human Rights, Mary Robinson, Call for Setting up an International Monitoring Presence in the Occupied Territories, Conference of High Contracting Parties of the Fourth Geneva Convention, Geneva, 5 December 2001	269
Statement by the Chair of the Non-Aligned Movement at the Conference of High Contracting Parties to the Fourth Geneva Convention, Geneva, 5 December 2001	271
World Council of Churches, Commission of the Churches on International Affairs, Statement Calling on Israel to Observe its Responsibilities under Fourth Geneva Convention, 5 December 2001	273
High Contracting Parties to the Fourth Geneva Convention, Declaration on the Convention's Applicability to the Occupied Palestinian Territories, 5 December 2001	274
US Congress, Concurrent Resolution (H. Con. Res. 280), Expressing Solidarity with Israel in Common Struggle against Terrorism, 107 th Congress, 1 st Session, Washington, DC, 5 December 2001	276
President Yasser Arafat, Address to the Palestinian People, 16 December 2001	277
UN General Assembly, Resolution ES-10/8, 15 th Plenary Meeting, 20 December 2001	281
UN General Assembly, Resolution ES-10/9, 15 th Plenary Meeting, 20 December 2001	281
Gulf Cooperation Council, Closing Statement, 22 nd Session of the Supreme Council, Muscat, 31 December 2001 [<i>Excerpts</i>]	282
Pope John Paul II, Remarks on the Middle East and Terrorism, Vatican City, 10 January 2002 [<i>Excerpts</i>]	284
Spier Three Party Communiqué, Cape Town, 11 January 2002	284
Declaration of Religious Leaders on the Holy Land ("Alexandria Declaration"), First Middle East Interfaith Summit, Alexandria, 21 January 2002	286
Israeli Combat Reservists, Petition against Serving in the Occupied Territories, 25 January 2002	287

President Yasser Arafat, "The Palestinian Vision of Peace," 3 February 2002	287
Non-Paper on the Revival of a Dynamics of Peace in the Middle-East, ("French Initiative"), February 2002	289
UN Security Council, Resolution 1397, 12 March 2002	290
UN Secretary General Kofi Annan, Letter to Israeli Prime Minister Ariel Sharon, 12 March 2002	291
European Council, Declaration on the Middle East, Barcelona, 15 and 16 March 2002	292
Second US "Joint Goals" Proposal (the "Zinni Paper"), 26 March 2002	293
Palestinian Comments on the Second US "Joint Goals", 26 March 2002	295
Crown Prince Abdullah of Saudi Arabia, Speech at the 14 th Arab Summit, Beirut, 27-28 March 2002	303
President Yasser Arafat, Speech to the 14 th Arab Summit, Beirut, 27-28 March 2002	305
Final Communiqué, 14 th Arab Summit, Beirut, 28 March 2002 [<i>Excerpts</i>]	309
Arab League Summit Resolution ("The Beirut Declaration"), 14 th Arab Summit, Beirut, 28 March 2002	310
US Secretary of State Colin Powell, Press Conference Following Israel's Launching of Operation Defensive Shield, Washington, DC, 29 March 2002 [<i>Excerpts</i>]	311
UN Security Council, Resolution 1402 (2002) on the Withdrawal of Israeli Troops, 30 March 2002	312
Ambassador Dumisani Kumalo of South Africa, in His Capacity as Chairman of the Non-Aligned Movement, Statement on the Situation in the Middle East, UN Security Council, 3 April 2002	313
UN Security Council, Resolution 1403 (2002), 4 April 2002	314
US President George W. Bush, Statement on the Middle East, The Rose Garden, Washington, DC, 4 April 2002	314
Egyptian President Hosni Mubarak, Address to the Nation on the Grave Situation in the Palestinian Territories, 4 April 2002	317
UN General Assembly, Resolution on Illegal Israeli Actions in the Occupied Palestinian Territory, Resumed Meeting of the 10 th Emergency Special Session, 7 April 2002	320
Statement by the Permanent Representative of South Africa, H.E. Ambassador Dumisani Kumalo, in his Capacity as Chairman of the Coordinating Bureau to the Resumed Meeting of the 10 th Emergency Special Session of the UN General Assembly on the Item "Illegal Israeli Actions in the Occupied East Jerusalem and the Rest of the Occupied Palestinian Territory", 7 April 2002	321
Joint Statement Read by UN Secretary-General Kofi Annan on Behalf of the US, the EU, Russia and the UN (The "Quartet"), Following a Meeting on the Middle East Situation, 10 April 2002	323

European Parliament, Calls for Suspending the EU-Israel Association Agreement and Ending the Mideast Violence, Emergency Debate, 10 April 2002	325
Letter by Konrad Raiser, General Secretary of the World Council of Churches, to the Foreign Ministers of the European Union, 12 April 2002	326
President Yasser Arafat and the Palestinian Authority Leadership, Statement Condemning Terrorism, 13 April 2002	327
Declaration from the Islamic-Catholic Liaison Committee on the Current Situation in the Holy Land, 14 April 2002	328
UN Secretary-General Kofi Annan, Statement on the Escalation of the Conflict, UN Security Council, New York, 18 April 2002	329
UN Security Council, Resolution 1405, 19 April 2002	332
Israeli Prime Minister Ariel Sharon, Message to the AIPAC Policy Conference, 23 April 2002	333
Press Statement Regarding Saudi Crown Prince Abdullah Presenting his 8-Point Mideast Peace Proposal to US President Bush at Crawford, Texas, 26 April 2002	334
Palestine National Authority, Statement Regarding the Delay of the Arrival of the UN Fact-Finding Committee, 27 April 2002	335
Non-Aligned Movement, Committee on Palestine, Declaration on the Situation in the Occupied Palestinian Territory, Durban, 27 April 2002	335
Declaration by the Executive Committee of the Parliamentary Union of the Member States of the Organization of the Islamic Conference (PUOICM), 7 th Meeting, Kuwait, 28-29 April 2002	337
US House of Representatives, Resolution "In Solidarity with Israel" (H. Res. 392), Washington, DC, 2 May 2002	338
US Senate, Resolution 247 Expressing Solidarity with Israel and Reaffirming Commitment to Israel's Right to Self-Defense, 2 May 2002	339
US Secretary of State Colin Powell, Remarks on the "Madrid Quartet" Initiative to Convene a Regional Peace Conference in the Middle East, 2 May 2002 [<i>Excerpts</i>]	340
UN Secretary-General Kofi Anan, Remarks on the "Madrid Quartet" Initiative to Convene a Regional Peace Conference in the Middle East, 2 May 2002 [<i>Excerpts</i>]	342
UN Secretary General, Report Prepared Pursuant to General Assembly Resolution ES-10/10 (Re, Operation "Defensive Shield"), 7 May 2002	343
President Yasser Arafat, Statement Condemning the Terrorist Attack Against Israeli Civilians, 8 May 2002	357
Palestine National Authority, Statement on Israeli Actions in the West Bank, 15 May 2002	357
President Yasser Arafat, Address to the Palestinian Legislative Council on the Occasion of <i>Nakba Day</i> , Ramallah, 15 May 2002 [<i>Excerpts</i>]	358

Palestinian Legislative Council, Statement on Development and Reform of the PA Institutions, Ramallah and Gaza, 16 May 2002	359
Palestinian National Authority, Basic Law, 29 May 2002	363
Chairman of the Non-Aligned Movement, Ambassador Dumisani Kumalo of South Africa, Statement on the Situation in the Middle East, UN Security Council, 3 June 2002	373
European Union Presidency, Declaration on the Middle East, Madrid, 12 June 2002	375
President Arafat, Statement Regarding the Need to Cease Attacks against Israeli Civilians, Ramallah, 20 June 2002	375
Palestinian Government, 100 Days Plan (With Reference to the Presidential Decree of 12 June 2002), 23 June 2002	376
US President George W. Bush, Speech on the Middle East, The Rose Garden, White House, Washington, DC, 24 June 2002	380
Statement by South Africa as Chair of the Non-Aligned Movement to the UN African Meeting in Support of the Inalienable Rights of the Palestinian People, Rabat, Morocco, 24 June 2002	382
PLO Executive Committee, Statement Rejecting Israel's De-Legitimization Attempts against the Palestinian Leadership, 30 June 2002	384
Palestinian Vision for the Outcome of Permanent Status Negotiations Presented by Dr. Nabil Sha'ath to US Secretary of State Colin Powell, June 2002	385
Joint Statement by the Quartet (UN, Russian Federation, the US and the EU), New York, 16 July 2002	386
The Ayalon-Nusseibeh Statement of Principles ("The People's Voice"), 27 July 2002	388
Joint Communiqué, 35 th ASEAN Ministerial Meeting, Bandar Seri Begawan, 29-30 July 2002 [<i>Excerpts</i>]	389
The Bertini Report, Mission Report by the Personal Humanitarian Envoy of the UN Secretary-General, 11-19 August 2002	389
Report of the Meeting of the OIC Six-Member Committee on Palestine, UN Headquarters, New York, 12 September 2002	412
Joint Statement by the Quartet, New York, 17 September 2002	415
Declaration of the Meeting of Ministers of Foreign Affairs of the Non-Aligned Movement, UN General Assembly, New York, 18 September 2002 [<i>Excerpts</i>]	416
Statement by Saudi Foreign Minister Prince Saud Al-Faisal (Read by Ambassador to the UN Fawzi Shobokshi), 57 th Session of the UN General Assembly, New York, 19 September 2002 [<i>Excerpts</i>]	417
UN Secretary-General Kofi Anan, Statement to the UN Security Council on the Situation in the Middle East, 23 September 2002	418

Jeanette Ndhlovu of South Africa on Behalf of the Non-Aligned Movement, Statement to the UN Security Council on the Situation in the Middle East, 23 September 2002 421

UN Security Council, Resolution 1435, 24 September 2002 422

Palestinian Factions, Statement Stressing the Need for a United Front, 8 October 2002 ... 422

Map Annex 423

Introduction

Palestine has enjoyed geographic, religious, and political centrality in the Middle East and has since the beginning of the last century been vulnerable to the plans and ambitions of foreign powers. The resulting conflicts have led to the dispersal and prolonged suffering of the Palestinian people, and during the past eight decades in particular the Palestinian people have fought continuously to defend their internationally recognized rights to freedom and independence.

The ambitions and policies of the various external powers involved over the year have had an undeniable impact on inter-Arab relations, and on the international relations of Arab states. They have also had a direct effect on shaping the history of Palestine and the evolution of its future. Despite this external pressure, the Palestinians have succeeded in defending and maintaining their Arab identity and political presence by organizing socio-economic institutions and a political infrastructure which have allowed them to challenge the power of various conquerors in the ongoing national struggle. Having legitimate representation forced other parties to recognize and engage with them despite attempts to deny them their rights to self-determination and national independence.

This volume is one of a series that organizes key political documents covering the time from the pre-Ottoman period to 2007. This volume covers the Middle East Peace Negotiations and their subsequent stalemate in the wake of the Sharm el-Sheikh Memorandum and the Taba talks. This brief introduction outlines the history of this period to provide a framework to guide the reader to the historical context of the papers.

From Sharm El-Sheikh to Taba

The period that came in the immediate aftermath of the Sharm El-Sheikh memorandum began with cautious optimism. A measure of progress was made in the months that followed the agreement between Prime Minister Barak and President Arafat, including the commencement of final status negotiations between the two sides. By the end of 1999, Arafat and Barak had worked with President Clinton to push for a final peace agreement, yet many in Palestinian society remained wary of the high hopes espoused by the leaders. Their skepticism would be validated by mid-2000, when the process all but collapsed and the region fell into a state of violence.

The much-anticipated Camp David Summit began on 5 July 2000, with Prime Minister Barak, President Arafat, and President Clinton coming together to lead tri-lateral negotiations. The Palestinian team had gone reluctantly, unconvinced by the concept of the summit but also looking for a repeat of the success of the first Camp David summit in 1978 between Anwar Sadat, Menachim Begin, and Jimmy Carter. The Israeli team, meanwhile, came fighting for its own political survival rather than to pursue a historic breakthrough. For his part, Clinton was eager to secure his legacy, wanting to be seen by history as the American president that mediated an end to the Israeli-Palestinian conflict. There were many attempts at Camp David to empower Arafat and Barak to move toward a landmark achievement, but both were prisoners of their domestic and personal agendas, i.e., personal and political survival, as well as the balance of power on the ground and a fear of betrayal by outsiders.

Instability within the Israeli political elite increased in the immediate aftermath of the Camp David failure, and it became clear that Ariel Sharon would likely succeed Barak after the pending elections. As Sharon prepared to send a message with his provocative visit to the Haram Al-Sharif, Palestinian leaders - including Abu Ala' and Arafat himself - made strong

and ultimately unsuccessful efforts to publicly dissuade him. It was, depending on how you look at it, either a historic miscalculation or political opportunism of the shrewdest kind on the part of Sharon. What is certain is that the visit sparked a series of demonstrations in the OPT and enflamed passions across the Arab and Muslim world. Barak, already politically fragile, ordered his police and army to crack down with maximum force and minimum mercy. By the time of the first Israeli casualties - two weeks, 80 Palestinians dead, and hundreds wounded later - when two Israeli reserve soldiers were killed under chilling circumstances in Ramallah on October 12, the violence had gained a momentum of its own.

2001 began with President Clinton making one final push for a peace agreement. Despite their reservations, Arafat and Barak went along for what proved to be another unsuccessful ride. The two sides quickly moved on to yet another peace effort, this time in Taba. Over the six days of the summit, the Israeli and Palestinian negotiation teams came as close to an agreement as ever, but the talks ended once again with no tangible decisions in place. Both sides had sent competent and willing negotiators that were well received by their counterparts, but the backdrop of impending Israeli elections and continuing violence proved to be too much for the decision-makers to overcome.

Increasing Violence Post-Taba

Israel, by now under the leadership of Ariel Sharon, made 2001 a deadly and demoralizing year for the Palestinians. The sudden loss of Faisal Husseini in May was a saddening blow to the Palestinian cause, especially with regard to leadership in Jerusalem. Within months, Israeli forces had occupied and shut down the Orient House, which was the national political address of Palestinians in Jerusalem, and other Palestinian institutions with ties to the PA.

The violence from both sides only continued to escalate in 2002, culminating with the large-scale Israeli incursion into the West Bank known as ‘Operation Defensive Shield.’ Bethlehem, Nablus, Jenin, and Ramallah all came under a blanket of curfews, arrests, and the use of heavy weaponry by the Israeli Army. President Arafat was isolated in his compound as international calls for Israeli withdrawal went ignored. In June, the implementation of an Israeli plan to build a separation wall began despite the barrier’s planned route drawing widespread local and international criticism for reaching far into the West Bank. All the while, illegal military operations and extraditions continued throughout the West Bank as the prospects for a sovereign and democratic Palestinian state continued to dwindle.

A Final Note

Although we have endeavored to make this publication as reader/user friendly as possible, one should be aware that there is some inconsistency in terms of the spelling of non-English words - names and places (such as Haram Ash-Sharif or *Intifada*) – since we adhered, wherever possible, to the original version rather than apply our usual spelling rules. It is for the same reason that the volumes contain a number of minor typographical errors such as the omission of apostrophes, inconsistent capitalization, and spelling mistakes found in the originals.

Footnotes included in the volumes - excluding those marked “the ed.” - are mostly those that appeared in the original texts though the readership note that the numbering will not necessarily be accordance with the original version.

11. Middle East Peace Negotiations (IV): 1999-2001 (Post-Sharm El-Sheikh Memorandum – Taba Talks)

ISRAELI HIGH COURT OF JUSTICE, JUDGEMENT ON THE USE OF TORTURE, JERUSALEM, 6 SEPTEMBER 1999

[The panel concluded that, under existing law, the GSS is not authorized to use physical means in interrogations (though it specifies that the principle of "necessity," which hitherto served as blanket justification for torture, could be used as a defense for GSS investigators against whom charges may be brought). While human rights groups hailed the decision, concern was expressed at the panel's comments (section 39) that the decision to sanction physical means in interrogations "is an issue that must be decided by the legislative branch" and that "it is there that the required legislation may be passed."]

JUDGMENT

President A. Barak:

The General Security Service (hereinafter, the "GSS") investigates individuals suspected of committing crimes against Israel's security. Is the GSS authorized to conduct these interrogations? The interrogations are conducted on the basis of directives regulating interrogation methods. These directives equally authorize investigators to apply physical means against those undergoing interrogation (for instance, shaking the suspect and the "Shabach" position). The basis for permitting such methods is that they are deemed immediately necessary for saving human lives. Is the sanctioning of these interrogation practices legal? - These are the principal issues presented by the applicants before us.

Background:

1. The State of Israel has been engaged in an unceasing struggle for both its very existence and security, from the day of its founding. Terrorist organizations have established as their goal Israel's annihilation. Terrorist acts and the general disruption of order are their means of choice. In employing such methods, these groups do not distinguish between civilian and military targets. They carry out terrorist attacks in which scores are murdered in public areas, public transportation, city squares and centers, theaters and coffee shops. They do not distinguish between men, women and children. They act out of cruelty and without mercy (For an in depth description of this phenomenon see the *Report of the Commission of Inquiry Regarding the GSS' Interrogation Practices with Respect to Hostile Terrorist Activities* headed by (ret.) Justice M. Landau, 1987 - hereinafter, "*Commission of Inquiry Report*") published in the *Landau Book* 269, 276 (Volume 1, 1995).

The facts presented before this Court reveal that one hundred and twenty one people died in terrorist attacks between 1.1.96 to 14.5.98. Seven hundred and seven people were injured. A large number of those killed and injured were victims of harrowing suicide bombings in the heart of Israel's cities. Many attacks-including suicide bombings, attempts to detonate car bombs, kidnappings of citizens and soldiers, attempts to hijack buses, murders, the placing of explosives, etc.- were prevented due to the measures taken by the authorities responsible for fighting the above described hostile terrorist activities on a daily basis. The main body responsible for fighting terrorism is the GSS.

In order to fulfill this function, the GSS also investigates those suspected of hostile terrorist activities. The purpose of these interrogations is, among others, to gather information regarding terrorists and their organizing methods for the purpose of thwarting and preventing them from carrying out these terrorist attacks. In the context of these interrogations, GSS investigators also make use of physical means. The legality of these practices is being examined before this Court in these applications.

The Applications:

2. These applications are entirely concerned with the GSS' interrogation methods. They outline several of these methods, in detail, before us. Two of the applications are of a public nature. One of these (H.C. 5100/94) is brought by the Public Committee Against Torture in Israel. It submits that GSS investigators are not authorized to investigate those suspected of hostile terrorist activities. Moreover, they claim that the GSS is not entitled to employ those pressure methods approved by the *Commission of Inquiry's Report* ("the application of non-violent psychological pressure" and the application of "a moderate degree of physical pressure"). The second application (hereafter 4054/95) is brought by the Association for Citizen's Rights in Israel (ACRI). It argues that the GSS should be instructed to refrain from shaking suspects during interrogations. Five of the remaining applications involve specific applicants who turned to the Court individually. They each petitioned the Court to hold that the methods used against them by the GSS are illegal. Who are these applicants?
3. The applicants in H.C. 5188/96 (Wa'al Al Kaaqua and Ibrahim Abd'alla Ganimat) were arrested at the beginning of June 1996. They were interrogated by GSS investigators. They appealed to this Court (on 21-7-96) via the Center for the Defense of the Individual, founded by Dr. Lota Saltzberger. Their attorney petitioned the Court for an order *nisi* prohibiting the use of physical force against the applicants during their interrogation. The Court granted the order. The two applicants were released from custody prior to the hearing. As per their attorney's request, we have elected to continue hearing their case, in light of the importance of the issues they raise in principle.
4. The applicant in H.C. 6536/96 (Hat'm Abu Zayda) was arrested (on 21-9-95) and interrogated by GSS investigators. He turned to this Court (on 22-10-95) via the Center for the Defense of the Individual, founded by Dr. Lota Saltzberger. His attorney complained about the interrogation methods allegedly used against his client (deprivation of sleep, shaking, beatings, and use of the "Shabach" position). We immediately instructed the application be heard. The Court was informed that the applicant's interrogation had ended (as of 19-10-95). The information provided to us indicates that the applicant in question was subsequently convicted of activities in the military branch of the Hamas terrorist organization. He was sentenced to seventy four months in prison. The convicting Court held that the applicant both recruited and constructed the Hamas' infrastructure, for the purpose of kidnapping Israeli soldiers and carrying out terrorist attacks against security forces. It has been argued before us that the information provided by the applicant during the course of his interrogation led to the thwarting of an actual plan to carry out serious terrorist attacks, including the kidnapping of soldiers.
5. The applicant in H.C. 7563/97 (Abd al Rahman Ismail Ganimat) was arrested (on 13-11-97) and interrogated by the GSS. He appealed to this Court (24-12-97) via the Public Committee Against Torture in Israel. He claimed to have been tortured by his investigators (through use of the "Shabach" position", excessive tightening of handcuffs and sleep deprivation). His interrogation revealed that he was involved in numerous terrorist activities in the course of which many Israeli citizens were killed. He was instrumental in the kidnapping and murder of IDF soldier (Sharon Edry, of blessed memory); Additionally, he was involved in the bombing of the Cafe "Appropo" in Tel Aviv, in which three women were murdered and thirty people were injured. He was charged with all these crimes and convicted at trial. He was sentenced to five consecutive life sentences plus an additional twenty years of prison.
A powerful explosive device, identical to the one detonated at Cafe "Appropo" in Tel Aviv, was found in the applicant's village (Tzurif) subsequent to the dismantling and interrogation of the terrorist cell to which he belonged. Uncovering this explosive device thwarted an attack similar to the one at Cafe "Appropo". According to GSS investigators, the applicant possessed additional crucial information which he only revealed as a result of their interrogation. Revealing this information immediately was essential to safeguarding state and regional security and preventing danger to human life.
6. The applicant in H.C. 7628/97 (Fouad Awad Quran) was arrested (on 10-12-97) and interrogated. He turned to this Court (on 25-12-97) via the Public Committee against Torture in Israel. Before the Court, he claimed that he was being deprived of sleep and was being seated in the "Shabach" position. The Court issued an order *nisi* and held an immediate hearing of the application. During the hearing, the State informed the Court that "at this stage of the interrogation the GSS is not employing the methods alleged by the applicant against him". For this reason, no interim order was granted.

7. The applicant in H.C.1043/99 (Issa Ali Batat) was arrested (on 22-2-99) and interrogated by GSS investigators. The application, brought via the Public Committee Against Torture in Israel, argued that physical force was used against the applicant during the course of the interrogation. The Court issued an order *nisi*. While hearing the application, it came to the Court's attention that the applicant's interrogation had ended and that he was being detained pending trial; The indictment alleges his involvement in hostile activities, the purpose of which was to harm the "area's" (Judea, Samaria and the Gaza strip) security and public safety.

The Physical Means

8. The physical means employed by the GSS investigators were presented before this Court by the GSS investigators. The State's attorneys were prepared to present them for us behind closed doors (in camera). The applicants' attorneys were opposed to this proposal. Thus, the information at the Court's disposal was provided by the applicants and was not tested in each individual application. This having been said, the State's position, which failed to deny the use of these interrogation methods, and even offered these and other explanations regarding the rationale justifying the use of an interrogation methods or another, provided the Court with a picture of the GSS' interrogation practices. The decision to utilize physical means in a particular instance is based on internal regulations, which requires obtaining permission from various ranks of the GSS hierarchy. The regulations themselves were approved by a special Ministerial Committee on GSS interrogations. Among other guidelines, the Committee set forth directives pertaining to the rank authorized to allow these interrogation practices. These directives were not examined by this Court. Different interrogation methods are employed depending on the suspect, both in relation to what is required in that situation and to the likelihood of obtaining authorization. The GSS does not resort to every interrogation method at its disposal in each case.

Shaking

9. A number of applicants (H.C. 5100/94; H.C. 4054/95; H.C. 6536/95) claimed that the shaking method was used against them. Among the investigation methods outlined in the GSS' interrogation regulations, shaking is considered the harshest. The method is defined as the forceful shaking of the suspect's upper torso, back and forth, repeatedly, in a manner which causes the neck and head to dangle and vacillate rapidly. According to an expert opinion submitted in one of the applications (H.C. (motion) 5584/95 and H.C. 5100/95), the shaking method is likely to cause serious brain damage, harm the spinal cord, cause the suspect to lose consciousness, vomit and urinate uncontrollably and suffer serious headaches.

The State entered several countering expert opinions into evidence. It admits the use of this method by the GSS. To its contention, there is no danger to the life of the suspect inherent to shaking; the risk to life as a result of shaking is rare; there is no evidence that shaking causes fatal damage; and medical literature has not to date listed a case in which a person died directly as a result of having been only shaken. In any event, they argue, doctors are present in all interrogation compounds, and instances where the danger of medical damage presents itself are investigated and researched.

All agree that in one particular case (H.C. 4054/95) the suspect in question expired after being shaken. According to the State, that case constituted a rare exception. Death was caused by an extremely rare complication resulting in the atrophy of the neurogenic lung. In addition, the State argues in its response that the shaking method is only resorted to in very particular cases, and only as a last resort. The interrogation directives define the appropriate circumstances for its application and the rank responsible for authorizing its use. The investigators were instructed that in every case where they consider resorting to shaking, they must probe the severity of the danger that the interrogation is intending to prevent; consider the urgency of uncovering the information presumably possessed by the suspect in question; and seek an alternative means of preventing the danger. Finally, the directives respecting interrogation state, that in cases where this method is to be used, the investigator must first provide an evaluation of the suspect's health and ensure that no harm comes to him. According to the respondent, shaking is indispensable to fighting and winning the war on terrorism. It is not possible to prohibit its use without seriously harming the GSS' ability to effectively thwart deadly terrorist attacks. Its use in the past has led to the thwarting of murderous attacks.

Waiting in the “Shabach” Position

10. This interrogation method arose in numerous applications (H.C. 6536/95, H.C. 5188/96, H.C. 7628/97). As per applicants’ submission, a suspect investigated under the “Shabach” position has his hands tied behind his back. He is seated on a small and low chair, whose seat is tilted forward, towards the ground. One hand is tied behind the suspect, and placed inside the gap between the chair’s seat and back support. His second hand is tied behind the chair, against its back support. The suspect’s head is covered by an opaque sack, falling down to his shoulders. Powerfully loud music is played in the room. According to the affidavits submitted, suspects are detained in this position for a prolonged period of time, awaiting interrogation at consecutive intervals.

The aforementioned affidavits claim that prolonged sitting in this position causes serious muscle pain in the arms, the neck and headaches. The State did not deny the use of this method before this Court. They submit that both crucial security considerations and the investigators’ safety require tying up the suspect’s hands as he is being interrogated. The head covering is intended to prevent contact between the suspect in question and other suspects. The powerfully loud music is played for the same reason.

The “Frog Crouch”

11. This interrogation method appeared in one of the applications (H.C. 5188/96). According to the application and the attached corresponding affidavit, the suspect being interrogated was found in a “frog crouch” position. This refers to consecutive, periodical crouches on the tips of one’s toes, each lasting for five minute intervals. The State did not deny the use of this method, thereby prompting Court to issue an order *nisi* in the application where this method was alleged. Prior to hearing the application, however, this interrogation practice ceased.

Excessive Tightening of Handcuffs

12. In a number of applications before this Court (H.C. 5188/96; H.C. 7563/97), various applicants have complained of excessive tightening of hand or leg cuffs. To their contention, this practice results in serious injuries to the suspect’s hands, arms and feet, due to the length of the interrogations. The applicants invoke the use of particularly small cuffs, ill fitted in relation to the suspect’s arm or leg size. The State, for its part, denies any use of unusually small cuffs, arguing that those used were both of standard issue and properly applied. They are, nonetheless, prepared to admit that prolonged hand or foot cuffing is likely to cause injuries to the suspect’s hands and feet. To the State’s contention, however, injuries of this nature are inherent to any lengthy interrogation.

Sleep Deprivation

13. In a number of applications (H.C. 6536/96; H.C. 7563/97; H.C. 7628/97) applicants have complained of being deprived of sleep as a result of being tied in the “Shabach” position, being subjected to the playing of powerfully loud music, or intense non-stop interrogations without sufficient rest breaks. They claim that the purpose of depriving them of sleep is to cause them to break from exhaustion. While the State agrees that suspects are at times deprived of regular sleep hours, it argues that this does not constitute an interrogation method aimed at causing exhaustion, but rather results from the prolonged amount of time necessary for conducting the interrogation.

Applicants’ Arguments

14. Before us lie a number of applications. Different applicants raise different arguments. In principle, all the applications raise two essential arguments: *First*, they submit that the GSS is never authorized to conduct interrogations. *Second*, they argue that the physical means employed by GSS investigators not only infringe upon the human dignity of the suspect undergoing interrogation, but in fact constitute criminal offences. These methods, argue the applicants, are in violation International Law as they constitute “Torture,” which is expressly prohibited under International Law. Thus, the GSS investigators are not authorized to conduct these interrogations. Furthermore, the “necessity” defense which, according to the State, is available to the investigators, is not relevant to the circumstances in question. In any event, the doctrine of “necessity” at most constitutes an exceptional *post factum* defense, exclusively confined to criminal proceedings against investigators. It cannot, however, by any means, provide GSS investigators with the preemptory authorization to conduct interrogations *ab*

initio. GSS investigators are not authorized to employ any physical means, absent unequivocal authorization from the Legislator pertaining to the use of such methods and conforming to the requirements of the Basic Law: Human Dignity and Liberty. There is no purpose in engaging in a bureaucratic set up of the regulations and authority, as suggested by the Commission of Inquiry's Report, since doing so would merely regulate the torture of human beings.

We asked the applicants' attorneys whether the "ticking time bomb" rationale was not sufficiently persuasive to justify the use of physical means, for instance, when a bomb is known to have been placed in a public area and will undoubtedly explode causing immeasurable human tragedy if its location is not revealed at once. This question elicited a variety of responses from the various applicants before the Court. There are those convinced that physical means are not to be used under any circumstances; the prohibition on such methods to their mind is absolute, whatever the consequences may be. On the other hand, there are others who argue that even if it is perhaps acceptable to employ physical means in most exceptional "ticking time bomb" circumstances, these methods are in practice used even in absence of the "ticking time bomb" conditions. The very fact that, in most cases, the use of such means is illegal provides sufficient justification for banning their use altogether, even if doing so would inevitably absorb those rare cases in which physical coercion may have been justified. Whatever their particular views, all applicants unanimously highlight the distinction between the ability to potentially escape criminal liability *post factum* and the granting of permission to use physical means for interrogation purposes *ab initio*.

The State's Arguments

15. The position of the State is as follows: The GSS investigators are duly authorized to interrogate those suspected of committing crimes against Israel's security. This authority emanates from the government's general and residual (prerogative) powers (Article 40 of the Basic Law: the Government). Similarly, the authority to investigate is equally bestowed upon every individual investigator by virtue of article 2(1) of the Criminal Procedure Statute (Testimony) and the relevant accessory powers. With respect to the physical means employed by the GSS, the State argues that these do not violate International Law. Indeed, it is submitted that these methods cannot be qualified as "torture," "cruel and inhuman treatment" or "degrading treatment," that are strictly prohibited under International Law. Instead, the practices of the GSS do not cause pain and suffering, according to the State's position. Moreover, the State argues that these means are equally legal under Israel's internal (domestic) law. This is due to the "necessity" defense outlined in article 34(11) of the Penal Law (1977). Hence, in the specific cases bearing the relevant conditions inherent to the "necessity" defense, GSS investigators are entitled to use "moderate physical pressure" as a last resort in order to prevent real injury to human life and well being. Such "moderate physical pressure" may include shaking, as the "necessity" defense provides in specific instances. Resorting to such means is legal, and does not constitute a criminal offence. In any case, if a specific method is not deemed to be a criminal offence, there is no reason not to employ it even for interrogation purposes. As per the State's submission, there is no reason for prohibiting a particular act, in specific circumstances, *ab initio* if it does not constitute a crime. This is particularly true with respect to the GSS investigators' case, who, according to the State, are after all responsible for the protection of lives and public safety. In support of their position, the State notes that the use of physical means by GSS investigators is most unusual and is only employed as a last resort in very extreme cases. Moreover, even in these rare cases, the application of such methods is subject to the strictest of scrutiny and supervision, as per the conditions and restrictions set forth in the *Commission of Inquiry's Report*. This having been said, when the exceptional conditions requiring the use of these means are in fact present, the above described interrogation methods are fundamental to saving human lives and safeguarding Israel's security.

The Commission of Inquiry's Report

16. The GSS' authority to employ particular interrogation methods, and the relevant law respecting these matters were examined by the *Commission of Inquiry* (whose report was published, as mentioned, in the *Landau Book* (1995) Volume 1 at 269). The *Commission*, appointed by the government by virtue of the Commission of Inquiry Statute (1968), considered the GSS' legal status [among other issues]. Following a prolonged deliberation, the *Commission* concluded that the

GSS is authorized to investigate those suspected of hostile terrorist acts, even in absence of express statutory regulation of its activities, in light of the powers granted to it by specific legislation and the government's residual (prerogative) powers, outlined in the Basic Law: the Government (article 29 of the old statute and article 40 of the new version). In addition, the power to investigate suspects, granted to investigators by the Minister of Justice as per article 2(1) of the Statute of Criminal Procedure [Testimony], equally endows the GSS with the authority to investigate (*supra*, p.301 and following). Another part of the *Commission of Inquiry's Report* deals with, "the investigator's potential defenses" (defenses available to the investigator). With regards to this matter, the *Commission* concluded that in cases where the saving of human lives necessarily requires obtaining certain information, the investigator is entitled to apply both psychological pressure and "a moderate degree of physical pressure" (*supra*, at 328). Thus, an investigator who, in the face of such danger, applies that specific degree of physical pressure, which does not constitute abuse or torture of the suspect, but is instead proportional to the danger to human life, can avail himself of the "necessity" defense, in the face of potential criminal liability. The *Commission* was convinced that its conclusions to this effect were not in conflict with International Law, but instead reflect an approach consistent with both the Rule of Law and the need to effectively safeguard the security of Israel and its citizens.

The *Commission* approved the use of, "a moderate degree of physical pressure" with various stringent conditions including directives that were set out in the second (and secret) part of the Report, and for the supervision of various elements both internal and external to the GSS. The *Commission's* recommendations were duly approved by the government.

The Applications

17. A number of applications dealing with the application of physical force by the GSS for interrogation purposes have made their way to this Court throughout the years (See, for example, H.C. 7964/95 *Billbissi v. The GSS* (unpublished); H.C. 8049/96 *Hamdan v. The GSS* (unpublished); H.C. 3123/94 *Atun v. The Head of the GSS* (unpublished); H.C. 3029/95 *Arquan v. The GSS* (unpublished); H.C. 5578/95 *Hajazi v. The GSS* (unpublished)). An immediate hearing was ordered in each of these cases. In most, the State declared that the GSS does not employ physical means. As a result, the applicants requested to withdraw their applications. The Court accepted these motions and informed the applicants of their right to set forth a complaint if physical means were or are in fact being used against them (See H.C. 3029/95 *supra*). Only in a minority of complaints did the State did not issue the above mentioned notice. In other instances, an interim order was issued. At times, the Court noted that, "we (the Court) did not receive any information regarding the interrogation methods which the respondent (generally the GSS) seeks to employ and we did not take any position with respect to these methods" (See H.C. 8049/96 *Hamdan v. The GSS* (unpublished). In a different case, the Court noted that, "[T]he annulment of the interim order does not in any way constitute permission to employ methods that do not conform to the law and binding directives" (In H.C. 336/96; In H.C. 7954/95 *Billbissi v. The GSS* (unpublished)). Until now, therefore, the Court did not actually decide the issue of whether the GSS is permitted to employ physical means for interrogation purposes in circumstances outlined by the defense of "necessity". Essentially, we did not do so due to the fact that it was not possible for the Court to hear the sort of arguments that would provide a complete normative picture, in all its complexity. At this time, by contrast, a number of applications before us have properly laid out (both orally and in writing) complete arguments from sides' respective attorneys. For this we thank them. Although the various applications are somewhat distinct in that some are rather general or theoretical while others are quite specific, we have decided to deal with them, since above all we seek to clarify (uncover) the state of the law in this most complicated question. To this end, we shall begin by addressing the first issue- namely, are GSS investigators generally authorized to conduct interrogations. We shall then proceed to examine whether a general power to investigate would potentially sanction the use of physical means- including mental suffering-the likes of which the GSS employs. Finally, we shall probe the circumstances under which the above mentioned methods are immediately necessary to rescue human lives and whether these circumstances justify endowing GSS investigators with the authority to employ physical interrogation methods.

The Authority to Interrogate

18. The term “interrogation” takes on various meanings in different contexts. For the purposes of the applications before the Court at present, we refer to the asking of questions which seek to elicit a truthful answer (subject to the limitations respecting the privilege against self-incrimination; See article 2 of the Criminal Procedure Statute [Testimony]). Generally, the investigation of a suspect is conducted at the suspect’s place of detention. An interrogation inevitably infringes upon the suspect’s freedom, even if physical means are not used. Indeed, undergoing an interrogation infringes on both the suspect’s dignity and his individual privacy. In a state adhering to the Rule of Law, interrogations are therefore not permitted in absence of clear statutory authorization, be it through primary legislation or secondary legislation, the latter being explicitly rooted in the former. This essential principle is expressed by the Legislator in the Criminal Procedure Statute (Powers of Enforcement-Detention - 1996) which states as follows: “Detentions and arrests shall be conducted only by law or by virtue of express statutory authorization for this purpose” (article 1(a)). Hence, the statute and regulations must adhere to the requirements of the Basic Law: Human Dignity and Liberty (see article 8 of the Basic Law). The same principle applies to interrogations. Thus, an administrative body, seeking to interrogate an individual- an interrogation being defined as an exercise seeking to elicit truthful answers, as opposed to the mere asking of questions as in the context of an ordinary conversation- must point to the explicit statutory provision which legally empowers it. This is required by the Rule of Law (both formally and substantively). Moreover, this is required by the principle of administrative legality. “If an authority (government body) cannot point to a statute from which it derives its authority to engage in certain acts, that act is *ultra vires* (beyond its competence) and illegal.” (See I. Zamir, *Administrative Authority* (1996) at 50; See also B. Bracha, *Administrative Law* (Vol. 1, 1987) at 25).
19. Does a statute, authorizing GSS investigators to carry out interrogations (as we defined this term above) exist? A specific instruction, dealing with GSS agents, in their investigating capacity was not found. “The Service’s *status, its function and powers are not in fact outlined in any statute addressing this matter*” (*Commission of Inquiry’s Report, supra*, at 302). This having been said, the GSS constitutes an integral part of the executive branch. The fact that the GSS forms part of the executive branch is not in itself sufficient to invest it with the authority to interrogate. It is true that the government does possess residual or prerogative powers, defined as follows: “The Government is authorized to perform in the name of the State and subject to any law, all actions which are not legally incumbent on another authority.” (Article 40, Basic Law: The Government). However, we are not to conclude from this provision the authority to investigate, for our purposes. As mentioned, the power to investigate infringes on a person’s individual liberty. The government’s residual (prerogative) powers authorize it to act whenever there is an “administrative vacuum” (See H.C. 2918/93 *The City of Kiryat Gatt v. The State of Israel and others*, 37 (5) P.D. 832 at 843). A so called “administrative vacuum” of this nature does not appear in the case at bar, as the relevant field is entirely occupied by the principle of individual freedom. Infringing upon this liberty therefore requires specific directives, as insisted upon by President Shamgar:

“There are activities which do not fall within the government’s powers or scope. Employing them, absent statutory authorization, runs contrary to our most basic normative understanding, an understanding which emanates from our system’s very [democratic] character. Thus, it is respecting basic rights that form part of our positive law, whether they have been spelled out in a Basic Law or whether this has yet to be done. Thus, the government is not endowed with the capacity to, for example, shut down a newspaper on the basis of an administrative decision, absent explicit statutory authorization to this effect, irrespective of whether a Basic Law expressly protects freedom of expression; An act of this sort would undoubtedly run contrary to our basic understanding regarding human liberty and the [democratic] nature of our regime, which provides that liberty may only be infringed upon by virtue of explicit statutory authorization...Hence, freedom of expression, a basic right, forms an integral part of our positive law, creates an exception binding the executive (branch) and does not allow it to stray from the prohibition respecting guaranteed human liberty, absent statutory authorization” (In H.C. 5128/94 *Federman v. The Minister of Police*, 48(5) P.D. 647 at 652.).

In a similar vein, Professor Zamir has noted:

“While allowing the government to act, article 40 of the Basic Law: The Government (article 29 to the old Basic Law) simultaneously subjects it to the law. Clearly, this exception precludes the government from acting in a manner contrary to statutory directives. Moreover, it prevents the government from infringing upon individuals’ basic rights. This is of course all the more true respecting specific rights protected explicitly by the Basic Laws Human Dignity and Liberty and Freedom of Occupation. Notwithstanding, this is also the case for human rights not specifically enumerated in the Basic Laws. For instance, article 29 (now article 40) does not in any way authorize the government to limit freedom of expression... Indeed, article 29 “(now 40) merely endows the administrative authority with general executive powers that cannot serve to directly infringe upon human rights, unless there is explicit or implicit statutory authorization for doing so” (I. Zamir, *Administrative Authority* (vol. 1, 1996) at 337).

This is the law relevant to the case at bar. An individual’s liberty is not to be the object of an interrogation- this is a basic liberty under our constitutional regime. There are to be no infringements on this liberty absent statutory provisions which successfully pass constitutional muster. The government’s general administrative powers fail to fulfill these requirements. Indeed, when the Legislator sought to endow the GSS with the power to infringe upon a person’s individual liberty, he proceeded to legislate specific provisions accordingly. Thus, for instance, it is stipulated that the head of a security service, under special circumstances, is authorized to allow for the secret monitoring of telephone conversations (See article 5 of the Secret Interception of Communication Statute-1979; Compare article 19(3)(4) of the Protection of Privacy Statute-1981). This requires that the following question be asked: Does there exist a special statutory instruction endowing GSS investigators with interrogating powers?

20. A specific statutory provision authorizing GSS investigators to conduct interrogations does not exist. While it is true that various interrogation directives, some with ministerial approval, followed the *Commission of Inquiry’s Report*, these do not satisfy the requirement that the authority flow directly from statute or from explicit statutory authorization. The directives set out following the *Inquiry Commission’s Report* merely constitute internal regulations. Addressing these directives, Justice Levin opined:

“Clearly, these directives are not to be understood as being tantamount to a “statute”, as defined in article 8 of the Basic Law: Human Dignity. They are to therefore be struck down if they are found not to conform to it” (H.C. 2581/91 *Salhat v. The State of Israel*, 47(4) P.D. 837, at 845).

From where then, do the GSS investigators derive their interrogation powers? The answer is found in article 2(1) of the Criminal Procedure Statute [Testimony] which provides (in its 1944 version, as amended):

“A police officer, of or above the rank of inspector, or any other officer or class of officers generally or specially authorized in writing by the Chief Secretary to the Government, to hold enquiries into the commission of offences, may examine orally any person supposed to be acquainted with the facts and circumstances of any offence in respect whereof such officer or police or other authorized officer as aforesaid is enquiring, and may reduce into writing any statement by a person so examined.”

It is by virtue of the above provision that the Minister of Justice particularly authorized the GSS investigators to conduct interrogations regarding the commission of hostile terrorist activities. It has been brought to the Court’s attention that in the authorizing decree, the Minister of Justice took care to list the names of those GSS investigators who were authorized to conduct secret interrogations with respect to crimes committed under the Penal Law-1977, the Prevention of Terrorism Statute-1948, the (Emergency) Defense Regulations-1945, The Prevention of Infiltration Statute (Crimes and Judging)-1954, and crimes which are to be investigated as per the Emergency

Defense Regulations (Judea, Samaria and the Gaza strip- Judging in Crimes and Judicial Assistance-1967). It appears to us - and we have heard no arguments to the contrary- that the question of the GSS' authority to conduct interrogations can thus be resolved. By virtue of this authorization, GSS investigators are tantamount to police officers in the eyes of the law. If this solution is appropriate, is there not place for regulating the GSS investigators' powers by statute? We shall express an opinion on the matter at this time.

The Means Employed for Interrogation Purposes

21. As we have seen, the GSS investigators are endowed with the authority to conduct interrogations (See par. 20, *supra*). What is the scope of these powers and do they encompass the use of physical means in the course of the interrogation in order to advance it? Can use be made of the physical means presently employed by GSS investigators (such as shaking, the "Shabach" position, and sleep deprivation) by virtue of the investigating powers given the GSS investigators? Let us note that the State did not argue before us that all the means employed by GSS investigators are permissible by virtue of the "law of interrogation" per se. Thus, for instance, the State did not make the argument that shaking is permitted simply because it is an "ordinary" investigator's method in Israel. Notwithstanding, it was argued before this Court that some of the physical means employed by the GSS investigators are permitted by the "law of interrogation" itself. For instance, this is the case with respect to some of the physical means applied in the context of waiting in the "Shabach" position: the placing of the head covering (for preventing communication between the suspects); the playing of powerfully loud music (to prevent the passing of information between suspects); the tying of the suspect's hands to a chair (for the investigators' protection) and the deprivation of sleep, as deriving from the needs of the interrogation. Does the "law of interrogation" sanction the use of physical means, the like used in GSS interrogations?
22. An interrogation, by its very nature, places the suspect in a difficult position. "The criminal's interrogation," wrote Justice Vitkon over twenty years ago, "is not a negotiation process between two open and fair vendors, conducting their business on the basis of maximum mutual trust" (Cr. A 216/74 *Cohen v The State of Israel*) 29(1) P.D. 340 at 352). An interrogation is a "competition of minds", in which the investigator attempts to penetrate the suspect's thoughts and elicit from him the information the investigator seeks to obtain. Quite accurately, it was noted that:

"Any interrogation, be it the fairest and most reasonable of all, inevitably places the suspect in embarrassing situations, burdens him, intrudes his conscience, penetrates the deepest crevices of his soul, while creating serious emotional pressure". (Y. Kedmi, *On Evidence*, Part A, 1991 at 25).

Indeed, the authority to conduct interrogations, like any administrative power, is designed for a specific purpose, which constitutes its foundation, and must be in conformity with the basic principles of the [democratic] regime. In crystallizing the interrogation rules, two values or interests clash. *On the one hand*, lies the desire to uncover the truth, thereby fulfilling the public interest in exposing crime and preventing it. *On the other hand*, is the wish to protect the dignity and liberty of the individual being interrogated. This having been said, these interests and values are not absolute. A democratic, freedom-loving society does not accept that investigators use any means for the purpose of uncovering the truth. "The interrogation practices of the police in a given regime," noted Justice Landau, "are indicative of a regime's very character" (Cr. A. 264/65 *Artzi v. The Government's Legal Advisor*, 20(1) P.D. 225 at 232). At times, the price of truth is so high that a democratic society is not prepared to pay it (See Barak, *On Law, Judging and Truth*, 27 *Mishpatim* (1997) 11 at 13). To the same extent however, a democratic society, desirous of liberty seeks to fight crime and to that end is prepared to accept that an interrogation may infringe upon the human dignity and liberty of a suspect provided it is done for a proper purpose and that the harm does not exceed that which is necessary. Concerning the collision of values, with respect to the use of evidence obtained in a violent police interrogation, Justice H. Cohen opined as follows:

"On the one hand, it is our duty to ensure that human dignity be protected; that it not be harmed at the hands of those who abuse it, and to do all that we can to restrain police investigators from fulfilling the object of their interrogation through prohibited and criminal

means; On the other hand, it is (also) our duty to fight the increasingly growing crime rate which destroys the positive aspects of our country, and to prevent the disruption of public peace to the caprices of violent criminals that were beaten by police investigators” (Cr. A. 183/78 *Abu Midjim v. The State of Israel*, 34(4) P.D. 533 at 546).

Our concern, therefore, lies in the clash of values and the balancing of conflicting values. The balancing process results in the rules for a ‘reasonable interrogation’ (See Bein, *The Police Investigation- Is There Room for Codification of the ‘Laws of the Hunt’*, 12 *Iyunei Mishpat* (1987) 129). These rules are based, *on the one hand*, on preserving the “human image” of the suspect (See Cr. A. 115/82 *Mouadi v. The State of Israel* 35 (1) P.D. 197 at 222-4) and on preserving the “purity of arms” used during the interrogation (Cr. A. 183/78, *supra*, *ibid.*). *On the other hand*, these rules take into consideration the need to fight the phenomenon of criminality in an effective manner generally, and terrorist attacks specifically. These rules reflect “a degree of reasonableness, straight thinking (right mindedness) and fairness” (Kedmi, *supra*, at 25). The rules pertaining to investigations are important to a democratic state. They reflect its character. An illegal investigation harms the suspect’s human dignity. It equally harms society’s fabric.

23. It is not necessary for us to engage in an in-depth inquiry into the “law of interrogation” for the purposes of the applications before us. These vary from one matter to the next. For instance, the law of interrogation, as it appears in the context of an investigator’s potential criminal liability, as opposed to the purpose of admitting evidence obtained by questionable means. Here, by contrast, we deal with the “law of interrogation” as a power activated by an administrative authority (See Bein *supra*.). The “law of interrogation” by its very nature, is intrinsically linked to the circumstances of each case. This having been said, a number of general principles are nonetheless worth noting:

First, a reasonable investigation is necessarily one free of torture, inhuman treatment of the subject and free of any degrading handling whatsoever. There is a prohibition on the use of “brutal or inhuman means” in the course of an investigation (F.H. 3081/91 *Kozli v. The State of Israel*, 35(4) P.D. 441 at 446). Human dignity also includes the dignity of the suspect being interrogated. (Compare H.C. 355/59 *Catlan v. Prison Security Services*, 34(3) P.D. 293 at 298 and C.A.4463/94 *Golan v. Prison Security Services*, 50(4) P.D. 136). This conclusion is in perfect accord with (various) International Law treaties -to which Israel is a signatory -which prohibit the use of torture, “cruel, inhuman treatment” and “degrading treatment” (See M. Evans and R. Morgan, *Preventing Torture* (1998) at 61; N.S. Rodley, *The Treatment of Prisoners under International Law* (1987) at 63). These prohibitions are “absolute”. There are no exceptions to them and there is no room for balancing. Indeed, violence directed at a suspect’s body or spirit does not constitute a reasonable investigation practice. The use of violence during investigations can potentially lead to the investigator being held criminally liable. (See, for example, article 277 of the Penal Law: Pressure on a Public Servant; *supra* at 130, 134; Cr. A. 64/86 *Ashash v. The State of Israel* (unpublished)). *Second*, a reasonable investigation is likely to cause discomfort; It may result in insufficient sleep; The conditions under which it is conducted risk being unpleasant. Indeed, it is possible to conduct an effective investigation without resorting to violence. Within the confines of the law, it is permitted to resort to various machinations and specific sophisticated activities which serve investigators today (both for Police and GSS); Similar investigations- accepted in the most progressive of societies- can be effective in achieve their goals. In the end result, the legality of an investigation is deduced from the propriety of its purpose and from its methods. Thus, for instance, sleep deprivation for a prolonged period, or sleep deprivation at night when this is not necessary to the investigation time wise may be deemed a use of an investigation method which surpasses the least restrictive means.

From the General to the Particular

24. We shall now turn from the general to the particular. Plainly put, shaking is a prohibited investigation method. It harms the suspect’s body. It violates his dignity. It is a violent method which does not form part of a legal investigation. It surpasses that which is necessary. Even the State did not argue that shaking is an “ordinary” investigation method which every investigator (in the GSS or police) is permitted to employ. The submission before us was that the justification for shaking is

found in the “necessity” defense. That argument shall be dealt with below. In any event, there is no doubt that shaking is not to be resorted to in cases outside the bounds of “necessity” or as part of an “ordinary” investigation.

25. It was argued before the Court that one of the investigation methods employed consists of the suspect crouching on the tips of his toes for five minute intervals. The State did not deny this practice. This is a prohibited investigation method. It does not serve any purpose inherent to an investigation. It is degrading and infringes upon an individual’s human dignity.
26. The “Shabach” method is composed of a number of cumulative components: the cuffing of the suspect, seating him on a low chair, covering his head with an opaque sack (head covering) and playing powerfully loud music in the area. Are any of the above acts encompassed by the general power to investigate? Our point of departure is that there are actions which are inherent to the investigation power (Compare C.A. 4463/94, *supra.*, *ibid.*). Therefore, we accept that the suspect’s cuffing, for the purpose of preserving the investigators’ safety, is an action included in the general power to investigate (Compare H.C. 8124/96 *Mubarak v. The GSS* (unpublished)). Provided the suspect is cuffed for this purpose, it is within the investigator’s authority to cuff him. The State’s position is that the suspects are indeed cuffed with the intention of ensuring the investigators’ safety or to prevent fleeing from legal custody. Even the applicants agree that it is permissible to cuff a suspect in similar circumstances and that cuffing constitutes an integral part of an interrogation. Notwithstanding, the cuffing associated with the “Shabach” position is unlike routine cuffing. The suspect is cuffed with his hands tied behind his back. One hand is placed inside the gap between the chair’s seat and back support, while the other is tied behind him, against the chair’s back support. This is a distorted and unnatural position. The investigators’ safety does not require it. Therefore, there is no relevant justification for handcuffing the suspect’s hands with particularly small handcuffs, if this is in fact the practice. The use of these methods is prohibited. As was noted, “Cuffing causing pain is prohibited” (See the *Mubarak* affair *supra.*). Moreover, there are other ways of preventing the suspect from fleeing from legal custody which do not involve causing the suspect pain and suffering.
27. This is the law with respect to the method involving seating the suspect in question in the “Shabach” position. We accept that seating a man is inherent to the investigation. This is not the case when the chair upon which he is seated is a very low one, tilted forward facing the ground, and when he is sitting in this position for long hours. This sort of seating is not encompassed by the general power to interrogate. Even if we suppose that the seating of the suspect on a chair lower than that of his investigator can potentially serve a legitimate investigation objective (for instance, to establish the “rules of the game” in the contest of wills between the parties, or to emphasize the investigator’s superiority over the suspect), there is no inherent investigative need for seating the suspect on a chair so low and tilted forward towards the ground, in a manner that causes him real pain and suffering. Clearly, the general power to conduct interrogations does not authorize seating a suspect on a forward tilting chair, in a manner that applies pressure and causes pain to his back, all the more so when his hands are tied behind the chair, in the manner described. All these methods do not fall within the sphere of a “fair” interrogation. They are not reasonable. They impinge upon the suspect’s dignity, his bodily integrity and his basic rights in an excessive manner (or beyond what is necessary). They are not to be deemed as included within the general power to conduct interrogations.
28. We accept that there are interrogation related considerations concerned with preventing contact between the suspect under interrogation and other suspects and his investigators, which require means capable of preventing the said contact. The need to prevent contact may, for instance, flow from the need to safeguard the investigators’ security, or that of the suspects and witnesses. It can also be part of the “mind game” which pins the information possessed by the suspect, against that found in the hands of his investigators. For this purpose, the power to interrogate- in principle and according to the circumstances of each particular case- includes preventing eye contact with a given person or place. In the case at bar, this was the explanation provided by the State for covering the suspect’s head with an opaque sack, while he is seated in the “Shabach” position. From what was stated in the declarations before us, the suspect’s head is covered with an opaque sack throughout his “wait” in the “Shabach” position. It was argued that the sack (head covering) is entirely opaque, causing the suspect to suffocate. The edges of the sack are long, reaching the suspect’s shoulders. All these methods are not inherent to an interrogation. They do not confirm the

State's position, arguing that they are meant to prevent eye contact between the suspect being interrogated and other suspects. Indeed, even if such contact should be prevented, what is the purpose of causing the suspect to suffocate? Employing this method is not connected to the purpose of preventing the said contact and is consequently forbidden. Moreover, the statements clearly reveal that the suspect's head remains covered for several hours, throughout his wait. For these purposes, less harmful means must be employed, such as letting the suspect wait in a detention cell. Doing so will eliminate any need to cover the suspect's eyes. In the alternative, the suspect's eyes may be covered in a manner that does not cause him physical suffering. For it appears that at present, the suspect's head covering - which covers his entire head, rather than eyes alone,- for a prolonged period of time, with no essential link to the goal of preventing contact between the suspects under investigation, is not part of a fair interrogation. It harms the suspect and his (human) image. It degrades him. It causes him to lose sight of time and place. It suffocates him. All these things are not included in the general authority to investigate. In the cases before us, the State declared that it will make an effort to find an "ventilated" sack. This is not sufficient. The covering of the head in the circumstances described, as distinguished from the covering of the eyes, is outside the scope of authority and is prohibited.

29. Cutting off the suspect from his surroundings can also include preventing him from listening to what is going on around him. We are prepared to assume that the authority to investigate an individual equally encompasses precluding him from hearing other suspects under investigation or voices and sounds that, if heard by the suspect, risk impeding the interrogation's success. Whether the means employed fall within the scope of a fair and reasonable interrogation warrant examination at this time. In the case at bar, the detainee is found in the "Shabach" position while listening to the consecutive playing of powerfully loud music. Do these methods fall within the scope or the general authority to conduct interrogations? Here too, the answer is in the negative. Being exposed to powerfully loud music for a long period of time causes the suspect suffering. Furthermore, the suspect is tied (in place) in an uncomfortable position with his head covered (all the while). The use of the "Shabach" method is prohibited. It does not fall within the scope of the authority to conduct a fair and effective interrogation. Powerfully loud music is a prohibited means for use in the context described before us.
30. To the above, we must add that the "Shabach" position includes all the outlined methods employed simultaneously. Their combination, in and of itself gives rise to particular pain and suffering. This is a harmful method, particularly when it is employed for a prolonged period of time. For these reasons, this method does not form part of the powers of interrogation. It is an unacceptable method. "The duty to safeguard the detainee's dignity includes his right not to be degraded and not to be submitted to sub-human conditions in the course of his detention, of the sort likely to harm his health and potentially his dignity" (In Cr. A. 7223/95 *The State of Israel v. Rotenstein* (not yet published)).
- A similar - though not identical - combination of interrogation methods were discussed in the case of *Ireland v. United Kingdom* (1978) 2 EHRR 25. In that case, the Court probed five interrogation methods used by England for the purpose of investigating detainees suspected of terrorist activities in Northern Ireland. The methods were as follows: protracted standing against the wall on the tip of one's toes; covering of the suspect's head throughout the detention (except during the actual interrogation); exposing the suspect to powerfully loud noise for a prolonged period and deprivation of sleep, food and drink. The Court held that these methods did not constitute "torture". However, since they treated the suspect in an "inhuman and degrading" manner, they were nonetheless prohibited.
31. The interrogation of a person is likely to be lengthy, due to the suspect's failure to cooperate or due to the information's complexity or in light of the imperative need to obtain information urgently and immediately (For instance, see *The Mubarak* affair, *supra*; H.C. 5318/95 *Hajazi v. GSS* (unpublished)). Indeed, a person undergoing interrogation cannot sleep as does one who is not being interrogated. The suspect, subject to the investigators' questions for a prolonged period of time, is at times exhausted. This is often the inevitable result of an interrogation, or one of its side effects. This is part of the "discomfort" inherent to an interrogation. This being the case, depriving the suspect of sleep is, in our opinion, included in the general authority of the investigator (Compare: H.C. 3429/94 *Shbana v. GSS* (unpublished)). So noted Justice Shamgar, in a similar instance:

"The interrogation of crimes and in particular, murder or other serious crimes- cannot be accomplished within the confines of an ordinary public servant's work day...The investigation of crime is essentially mental resistance...For this reason, the interrogation is often carried out at consecutive intervals. This, as noted, causes the investigation to drag on ...and requires diligent insistence on its momentum and consecutiveness." (Cr. A. 485/76 *Ben Loulou v. The State of Israel* (unpublished)).

The above described situation is different from those in which sleep deprivation shifts from being a "side effect" inherent to the interrogation, to an end in itself. If the suspect is intentionally deprived of sleep for a prolonged period of time, for the purpose of tiring him out or "breaking" him- it shall not fall within the scope of a fair and reasonable investigation. Such means harm the rights and dignity of the suspect in a manner surpassing that which is required.

32. All that was stated regarding the exceptions pertinent to an interrogation, flowing from the requirement that an interrogation be fair and reasonable, is the accepted law with respect to a regular police interrogation. The power to interrogate given to the investigator GSS investigator by law is the same interrogation powers the law bestows upon the ordinary police force investigator. It appears that the restrictions applicable to the police investigations are equally applicable to GSS investigations. There is no statutory instruction endowing a GSS investigator with special interrogating powers that are either different or more serious than those given the police investigator. From this we conclude that a GSS investigator, whose duty is to conduct the interrogation according to the law, is subject to the same restrictions applicable to a police interrogation.

Physical Means and the "Necessity" Defense

33. We have arrived at the conclusion that the GSS personnel who have received permission to conduct interrogations (as per the Criminal Procedure Statute [Testimony]) are authorized to do so. This authority-like that of the police investigator- does not include most of the physical means of interrogation which are the subject of the application before us. Can the authority to employ these interrogation methods be anchored in a legal source beyond the authority to conduct an interrogation? This question was answered by the State's attorneys in the affirmative. As noted, an explicit authorization permitting GSS to employ physical means is not to be found in our law. An authorization of this nature can, in the State's opinion, be obtained in specific cases by virtue of the criminal law defense of "necessity", prescribed in the Penal Law. The language of the statute is as follows: (Article 34 (1)):

"A person will not bear criminal liability for committing any act immediately necessary for the purpose of saving the life, liberty, body or property, of either himself or his fellow person, from substantial danger of serious harm, imminent from the particular state of things [circumstances], at the requisite timing, and absent alternative means for avoiding the harm."

The State's position is that by virtue of this "defense" to criminal liability, GSS investigators are also authorized to apply physical means, such as shaking, in the appropriate circumstances, in order to prevent serious harm to human life or body, in the absence of other alternatives. The State maintains that an act committed under conditions of "necessity" does not constitute a crime. Instead, it is deemed an act worth committing in such circumstances in order to prevent serious harm to a human life or body. We are therefore speaking of a deed that society has an interest in encouraging, as it is deemed proper in the circumstances. It is choosing the lesser evil. Not only is it legitimately permitted to engage in the fighting of terrorism, it is our moral duty to employ the necessary means for this purpose. This duty is particularly incumbent on the state authorities- and for our purposes, on the GSS investigators- who carry the burden of safeguarding the public peace. As this is the case, there is no obstacle preventing the investigators' superiors from instructing and guiding them with regard to when the conditions of the "necessity" defense are fulfilled and the proper boundaries in those circumstances. From this flows the legality of the directives with respect to the use of physical means in GSS interrogations. In the course of their argument, the State's attorneys submitted the "ticking time bomb" argument. A given suspect is arrested by the GSS. He holds information respecting the location of a bomb that was set and will imminently explode. There is no way to diffuse the bomb without this information. If the information is obtained, however, the bomb may be diffused. If the

- bomb is not diffused, scores will be killed and maimed. Is a GSS investigator authorized to employ physical means in order to elicit information regarding the location of the bomb in such instances? The State's attorney's answers in the affirmative. The use of physical means shall not constitute a criminal offence, and their use is sanctioned, to the State's contention, by virtue of the "necessity" defense.
34. We are prepared to assume that- although this matter is open to debate - (See A. Dershowitz, *Is it Necessary to Apply 'Physical Pressure' to Terrorists- And to Lie About It?*, [1989] 23 Israel L. Rev. 193; Bernsmann, *Private Self-Defense and Necessity in German Penal Law and in the Penal Law Proposa- Some Remarks*, [1998] 30 Israel L. Rev. 171, 208-210) - the "necessity" defense is open to all, particularly an investigator, acting in an organizational capacity of the State in interrogations of that nature. Likewise, we are prepared to accept - although this matter is equally contentious- (See M. Kremnitzer, *The Landau Commission Report- Was the Security Service Subordinated to the Law or the Law to the Needs of the Security Service?*, [1989] 23 Israel L. Rev. 216, 244-247) - that the "necessity" exception is likely to arise in instances of "ticking time bombs", and that the immediate need ("necessary in an immediate manner" for the preservation of human life) refers to the imminent nature of the act rather than that of the danger. Hence, the imminence criteria is satisfied even if the bomb is set to explode in a few days, or perhaps even after a few weeks, provided the danger is certain to materialize and there is no alternative means of preventing its materialization. In other words, there exists a concrete level of imminent danger of the explosion's occurrence (See Kremnitzer and Segev, *The Application of Force in the Course of GSS Interrogations- A Lesser Evil?*, [1998] 4 *Mishpat U' Mimshal* 667 at 707; See also Feller, *Not Actual "Necessity" but Possible "Justification"; Not "Moderate Pressure", but Either "Unlimited" or "None at All"*, [1989] 23 Israel L. Rev. 201, 207). Consequently we are prepared to presume, as was held by the *Inquiry Commission's Report*, that if a GSS investigator- who applied physical interrogation methods for the purpose of saving human life-is criminally indicted, the "necessity" defense is likely to be open to him in the appropriate circumstances (See Cr. A. 532/91 *Anonymous v. The State of Israel* (unpublished)). A long list of arguments, from both the fields of Ethics and Political Science, may be raised for and against the use of the "necessity" defense, (See Kremnitzer and Segev, *supra*, at p.696; M.S. Moor, *Torture and the Balance of Evils*, [1989] 23 Israel L. Rev. 280; L. Shelf, *The Lesser Evil and the Lesser Good- On the Landau Commission's Report, Terrorism and Torture*, [1990] 1 *Plilim* 185; W.L. & P.E. Twining, *Bentham on Torture*, [1973] 24 *Northern Ireland Legal Quarterly* 305; D. Stetman, *The Question of Absolute Morality Regarding the Prohibition on Torture*, [1997] 4 *Mishpat U' Mimshal* 161 at 175; A. Zuckerman, *Coercion and the Judicial Ascertainment of Truth*, [1989] 23 Israel L. Rev. 357. This matter, however, has already been decided under Israeli law. Israel's Penal Law recognizes the "necessity" defense.
35. Indeed, we are prepared to accept that in the appropriate circumstances, GSS investigators may avail themselves of the "necessity" defense, if criminally indicted. This however, is not the issue before this Court. We are not dealing with the potential criminal liability of a GSS investigator who employed physical interrogation methods in circumstances of "necessity." Moreover, we are not addressing the issue of admissibility or probative value of evidence obtained as a result of a GSS investigator's application of physical means against a suspect. We are dealing with a different question. The question before us is whether it is possible to infer the authority to, in advance, establish permanent directives setting out the physical interrogation means that may be used under conditions of "necessity". Moreover, we are asking whether the "necessity" defense constitutes a basis for the GSS investigator's authority to investigate, in the performance of his duty. According to the State, it is possible to imply from the "necessity" defense, available (*post factum*) to an investigator indicted of a criminal offence, an advance legal authorization endowing the investigator with the capacity to use physical interrogation methods. Is this position correct?
36. In the Court's opinion, a general authority to establish directives respecting the use of physical means during the course of a GSS interrogation cannot be implied from the "necessity" defense. The "necessity" defense does not constitute a source of authority, allowing GSS investigators to make use physical means during the course of interrogations. The reasoning underlying our position is anchored in the nature of the "necessity" defense. This defense deals with deciding those cases involving an individual reacting to a given set of facts; It is an ad hoc endeavor, in reaction to a event. It is the result of an improvisation given the unpredictable character of the events (See Feller, *ibid.* at 209). Thus, the very nature of the defense does not allow it to serve as the source of

a general administrative power. The administrative power is based on establishing general, forward looking criteria, as noted by Professor Enker:

“Necessity is an after-the-fact judgment based on a narrow set of considerations in which we are concerned with the immediate consequences, not far-reaching and long-range consequences, on the basis of a clearly established order of priorities of both means and ultimate values...The defense of Necessity does not define a code of primary normative behavior. Necessity is certainly not a basis for establishing a broad detailed code of behavior such as how one should go about conducting intelligence interrogations in security matters, when one may or may not use force, how much force may be used and the like (Enker, “The Use of Physical Force in Interrogations and the Necessity Defense,” in *Israel and International Human Rights Law: The Issue of Torture* 61,62 (1995)).

In a similar vein, Kremnitzer and Segev note:

“[t]he basic rationale underlying the necessity defense is the absence of the possibility to establish accurate rules of behavior in advance, appropriate in concrete emergency situations, whose circumstances are varied and unexpected. From this it follows, that the necessity defense is not well suited for regulation a general situation, the circumstances of which are known and (often) repeat themselves. In similar cases, there is no reason for not setting the rules of behavior in advance, in order that their content be determined in a thought out and well-planned manner, in advance, permitting them to apply in a uniform manner to all” (*supra*, at 705).

Moreover, the “necessity” defense has the effect of allowing one who acts under the circumstances of “necessity” to escape criminal liability. The “necessity” defense does not possess any additional normative value. In addition, it does not authorize the use of physical means for the purposes of allowing investigators to execute their duties in circumstances of necessity. The very fact that a particular act does not constitute a criminal act (due to the “necessity” defense) does not in itself authorize the administration to carry out this deed, and in doing so infringe upon human rights. The Rule of Law (both as a formal and substantive principle) requires that an infringement on a human right be prescribed by statute, authorizing the administration to this effect. The lifting of criminal responsibility does not imply authorization to infringe upon a human right. It shall be noted that the *Commission of Inquiry* did not hold that the “necessity” defense is the source of authority for employing physical means by GSS investigators during the course of their interrogations. All that the *Commission of Inquiry* determined is that if an investigator finds himself in a situation of “necessity”, constraining him to choose the “lesser evil” - harming the suspect for the purpose of saving human lives - the “necessity” defense shall be available to him. Indeed, the *Commission of Inquiry* noted that, “the law itself must ensure a proper framework governing the [security] service’s actions with respect to the interrogation of hostile terrorist activities and the related problems particular to it” (*ibid.* at 328).

37. In other words, general directives governing the use of physical means during interrogations must be rooted in an authorization prescribed by law and not from defenses to criminal liability. The principle of “necessity” cannot serve as a basis of authority (See Kremnitzer, *ibid.* at 236). If the State wishes to enable GSS investigators to utilize physical means in interrogations, they must seek the enactment of legislation for this purpose. This authorization would also free the investigator applying the physical means from criminal liability. This release would flow not from the “necessity” defense but from the “justification” defense which states:

“A person shall not bear criminal liability for an act committed in one of the following cases:

- (1) He was obliged or authorized by law to commit it.” (Article 34(13) of the Penal Law)

The defense to criminal liability by virtue of the “justification” is rooted in an area outside of the criminal law. This “external” law serves as a defense to criminal liability. This defense does not rest upon the “necessity”, which is “internal” to the Penal Law itself. Thus, for instance, where the question of when an officer is authorized to apply deadly force in the course of detention arises, the authority is found in a provision of the Law of Detention, external to the Penal Law. If a man is killed

as a result of the application of force, the provision is likely to give rise to a defense, by virtue of the “Justification” (See Cr. A. 486/88, *Ankonina v. The Chief Army Prosecutor* 34(2) P.D. 353). The “necessity” defense cannot constitute the basis for the determination of rules respecting the needs of an interrogation. It cannot constitute a source of authority on which the individual investigator can rely on for the purpose of applying physical means in an investigation that he is conducting. The power to enact rules and to act according to them requires legislative authorization, by legislation whose object is the power to conduct interrogations. Within the boundaries of this legislation, the Legislator, if he so desires, may express his views on the social, ethical and political problems, connected to authorizing the use of physical means in an interrogation. These considerations did not, from the nature of things, arise before the Legislature at the time when the “necessity” defense was enacted (See Kremnitzer, *supra*, at 239–40). The “necessity” defense is not the appropriate place for laying out these considerations (See Enker, *supra*, at 72). Endowing GSS investigators with the authority to apply physical force during the interrogation of suspects suspected of involvement in hostile terrorist activities, thereby harming the latter’s dignity and liberty, raise basic questions of law and society, of ethics and policy, and of the Rule of Law and security. These questions and the corresponding answers must be determined by the Legislative branch. This is required by the principle of the Separation of Powers and the Rule of Law, under our very understanding of democracy (See H.C. 3267/97 *Rubinstein v. Minister of Defense* (has yet to be published)).

38. Our conclusion is therefore the following: According to the existing state of the law, neither the government nor the heads of security services possess the authority to establish directives and bestow authorization regarding the use of liberty infringing physical means during the interrogation of suspects suspected of hostile terrorist activities, beyond the general directives which can be inferred from the very concept of an interrogation. Similarly, the individual GSS investigator-like any police officer- does not possess the authority to employ physical means which infringe upon a suspect’s liberty during the interrogation, unless these means are inherently accessory to the very essence of an interrogation and are both fair and reasonable.

An investigator who insists on employing these methods, or does so routinely, is exceeding his authority. His responsibility shall be fixed according to law. His potential criminal liability shall be examined in the context of the “necessity” defense, and according to our assumptions (See paragraph 35 *supra*.), the investigator may find refuge under the “necessity” defense’s wings (so to speak), provided this defense’s conditions are met by the circumstances of the case. Just as the existence of the “necessity” defense does not bestow authority, so too the lack of authority does not negate the applicability of the necessity defense or that of other defenses from criminal liability. The Attorney General can instruct himself regarding the circumstances in which investigators shall not stand trial, if they claim to have acted from a feeling of “necessity”. Clearly, a legal statutory provision is necessary for the purpose of authorizing the government to instruct in the use of physical means during the course of an interrogation, beyond what is permitted by the ordinary “law of investigation”, and in order to provide the individual GSS investigator with the authority to employ these methods. The “necessity” defense cannot serve as a basis for this authority.

A Final Word

39. This decision opens with a description of the difficult reality in which Israel finds herself security wise. We shall conclude this judgment by re-addressing that harsh reality. We are aware that this decision does not ease dealing with that reality. This is the destiny of democracy, as not all means are acceptable to it, and not all practices employed by its enemies are open before it. Although a democracy must often fight with one hand tied behind its back, it nonetheless has the upper hand. Preserving the Rule of Law and recognition of an individual’s liberty constitutes an important component in its understanding of security. At the end of the day, they strengthen its spirit and its strength and allow it to overcome its difficulties. This having been said, there are those who argue that Israel’s security problems are too numerous, thereby requiring the authorization to use physical means. If it will nonetheless be decided that it is appropriate for Israel, in light of its security difficulties to sanction physical means in interrogations (and the scope of these means which deviate from the ordinary investigation rules), this is an issue that must be decided by the legislative branch which represents the people. We do not take any stand on this matter at this time. It is there that various considerations must be weighed. The pointed debate must occur there. It is there

that the required legislation may be passed, provided, of course, that a law infringing upon a suspect's liberty "befitting the values of the State of Israel," is enacted for a proper purpose, and to an extent no greater than is required. (Article 8 to the Basic Law: Human Dignity and Liberty).

40. Deciding these applications weighed heavy on this Court. True, from the legal perspective, the road before us is smooth. We are, however, part of Israeli society. Its problems are known to us and we live its history. We are not isolated in an ivory tower. We live the life of this country. We are aware of the harsh reality of terrorism in which we are, at times, immersed. Our apprehension is that this decision will hamper the ability to properly deal with terrorists and terrorism, disturbs us. We are, however, judges. Our brethren require us to act according to the law. This is equally the standard that we set for ourselves. When we sit to judge, we are being judged. Therefore, we must act according to our purest conscience when we decide the law. The words of the Deputy President of the Supreme Court, Justice Landau, speak well to our purposes:

"We possess proper sources upon which to construct our judgments and have no need, and while judging, are forbidden from, involving our personal views as citizens of this country in our decisions. Still, great is the fear that the Court shall be perceived as though it had abandoned its proper place and descended to the midst of public debate, and that its decision making will be obstructed by one side of the population's uproar and by the other side's absolute and emotional rejection. In that sense, I see myself here as someone whose duty is to decide according to the law in all cases legally brought before the Court. I am strictly bound by this duty. As I am well aware in advance that the public at large will not pay attention to the legal reasoning, but to the end result alone. And that the Court's proper status, as an institution above partisan debates, risks being harmed. What can we do, as this is our function and role as judges." (H.C. 390/79 *Dawikat v. The State of Israel*, 34(1) P.D. 1 at 4).

The *Commission of Inquiry* pointed to the "difficult dilemma between the imperative need to safeguard the State of Israel's very existence and the lives of its citizens, and preserving its character—that of a country subject to the Rule of Law and holding basic moral values" (*supra*, p.326). The *Commission* rejected an approach suggesting that the actions of security services in the context of fighting terrorism, shall take place in the recesses of the law. The *Commission* equally rejected the "ways of the hypocrites, who remind us of their adherence to the Rule of Law, while ignoring (being willfully blind) to what is being done in practice" (*ibid.* at 327). The *Commission* elected to follow a third route, "the way of Truth and the Rule of Law" (*Ibid.*, at p.328). In so doing, the *Commission of Inquiry* outlined the dilemma faced by Israel in a manner both transparent and open to inspection by Israeli society.

Consequently, it is decided that the order *nisi* be made absolute, as we declare that the GSS does not have the authority to "shake" a man, hold him in the "Shabach" position (which includes the combination of various methods, as mentioned in paragraph 30), force him into a "frog crouch" position and deprive him of sleep in a manner other than that which is inherently required by the interrogation. Likewise, we declare that the "necessity" defense, found in the Penal Law, cannot serve as a basis of authority for the use of these interrogation practices, or for the existence of directives pertaining to GSS investigators, allowing them to employ interrogation practices of this kind. Our decision does not negate the possibility that the "necessity" defense be available to GSS investigators, be within the discretion of the Attorney General, if he decides to prosecute, or if criminal charges are brought against them, as per the Court's discretion.

<i>Deputy President S. Levin:</i> I agree.	<i>Justice T. Or</i> I agree.	<i>Justice E. Mazza</i> I agree.	<i>Justice M. Cheshin</i> I agree.
---	----------------------------------	-------------------------------------	---------------------------------------

<i>Justice I. Zamir</i> I agree.	<i>Justice T. Strasberg-Cohen</i> I agree.	<i>Justice D. Dorner</i> I agree.
-------------------------------------	---	--------------------------------------

Justice J' Kedmi

I accept the result conclusion which has been reached by my fellow, the President, by which the use of exceptional interrogation methods, according to the directives of the Ministerial Committee - that

relies on a collection of legal provisions suggested by the attorneys for the State - "has no authority, and is therefore, illegal". Similarly, I am of the opinion that the time has arrived for this issue to be regulated by primary and explicit legislation, that is clear and non-partial.

Notwithstanding, it is difficult for me to accept a state of things in which, due to the absence of explicit legislation as noted (above), the State should be helpless from a legal perspective, in those rare emergencies that merit being defined as, "ticking time bombs"; and that the State would not be authorized to order the use of exceptional interrogation methods in those circumstances. As far as I am concerned, such an authority exists in those circumstances, deriving from the basic obligation of being a State- like all countries of the world- to defend (protect) its existence, its well-being, and to safeguard (the lives of) its citizens. It is clear that in those circumstances, the State - as well as its agents - will have the natural right of "self-defense", in the larger meaning of the term, since terrorist organizations, that seek the soul and the souls of its inhabitants, and carry out shocking terrorist attacks to advance their cause (objectives).

On this background, and deriving from the intention will to prevent a situation where the "time bomb will tick" before our eyes and the State's hand will be shortened to help, I suggest that the judgment be suspended from coming into force for a period of one year. During that year, the GSS could employ exceptional interrogative methods in those rare cases of "ticking time bombs", on the condition that explicit authorization is given by the Attorney General.

The suspension under these conditions, does not infringe the ruling of the judgment, that the use of exceptional interrogation methods - that relies on directives of the Ministerial Committee as noted above - is illegal. This is because according to the suggested conditions, the suspension of the judgment does not constitute an authorization to continue acting according to those directives; and the authorization of the Attorney General does not legalize the performance of an illegal action according to the judgment, but rather deals with the non-indictment (of a violator) for the employment of exceptional interrogation methods in those emergency circumstances defined as, "ticking bombs".

During the suspension period, the Knesset will be given an opportunity to consider the issue (speak its words) concerning the views of exceptional interrogation methods in security investigations, both in general and in times of emergency. The GSS will be given the opportunity to cope with emergency situations until the Knesset considers the issue. Meanwhile, the GSS will also have an opportunity to adapt itself, after a long period in which the directives of the Ministerial Committee have governed, to the new state of things, which expresses the development that has occurred in Israel concerning the status and weight of human rights.

I, therefore, join in the judgment of the President subject to my proposal regarding the suspension of the judgment from coming into force for a period of one year, as explained above.



**US LETTER OF ASSURANCE TO PLO CHAIRMAN YASSER ARAFAT,
8 SEPTEMBER 1999**

[Letter sent upon the signing of the Sharm El-Sheikh Memorandum by the US to Yasser Arafat]

Dear Mr. Chairman:

I want to take this opportunity to express my appreciation for your efforts to conclude the Sharm e-Sheikh Memorandum of Implementation Timeline of Outstanding Commitments of Agreements Signed and the Resumption of Permanent Status Negotiations (the Memorandum). You can be assured that we will continue to maintain the positions and policies communicated to you in connection with the conclusion of the Wye River Memorandum, as well as those stated in President Clinton's letter of April 26, 1999. In regard to the Memorandum, I wanted to convey the following:

First, it is our understanding the the implementation of the outstanding commitments emanating from the Memorandum will proceed as agreed upon and scheduled regardless of developments in the negotiations related to permanent status issues. In this regard, we have also been informed by Prime Minister Barak that Israel will implement the further redeployment called for in Article 2(c) of the Memorandum, even if the parties have not concluded the framework agreement called for in Article 1(c) by that time.

Second, Prime Minister Barak has assured us he will spare no effort to achieve a permanent status agreement within one year. We understand that you too will spare no effort to reach an agreement. It is also our intention to do whatever we can to facilitate the achievement of the permanent status agreement within the time frame specified in the Memorandum (i.e. by September 13, 2000).

Third, we understand that the language of Article 10 of the agreement is taken directly from the Wye River Memorandum section entitled Unilateral Actions. In this regard, we note that Israelis and Palestinians have committed themselves to using negotiations to resolve all outstanding issues and to reaching a comprehensive permanent status agreement within one year. In order for these negotiations to succeed on such an accelerated basis it is essential to create the right environment. In this regard, as good faith negotiations proceed neither side should take unilateral actions that undermine the environment.

Fourth, we are conscious of your concerns about settlement activity. As President Clinton has written to you in the past, the United States knows how destructive settlement activity has been to the pursuit of Palestinian-Israeli peace.

Finally, as President Clinton wrote you on April 26, 1999, we believe that negotiations are the only realistic way to fulfill the aspirations of your people. In this context, and in President Clintons words, we support the aspiration of the Palestinian people to determine their own future on their own land. With the resumption of the permanent status negotiations under this Memorandum, you will have an opportunity to achieve your aspirations.

Sincerely,

Madeleine K. Albright
US Secretary of State



**EUROPEAN UNION LETTER OF ASSURANCE TO PLO
CHAIRMAN YASSER ARAFAT, 8 SEPTEMBER 1999**

[Letter sent upon the signing of the Sharm El-Sheikh Memorandum on behalf of the EU to Arafat]

Your Excellency,

The European Union welcomes the Sharm esh-Sheikh Memorandum on implementation timeline of outstanding commitments of agreements signed and the resumption of permanent status negotiations, and congratulates the Palestinian Authority and the Israeli government for its conclusion, which represents a new relevant step forward for a final lasting and comprehensive peace. Once again, you, Mr. President, have proved your remarkable political vision and huge capacity to understand the historic challenges and to advance through political means to reach the legitimate aspirations of the Palestinian people.

Concerning this Memorandum, the European Union would like to convey to you its understanding about certain relevant items:

The European Union hereby expresses its conviction that the outstanding commitments emanating from the Memorandum will proceed as agreed upon and scheduled, regardless of developments in negotiations related to permanent status issues.

The European Union also recalls the European Council Declaration of Berlin, of 24 March, in which it reaffirmed the continuing and unqualified Palestinian right to self-determination, including the option of a state, and appealed to the parties to strive in good faith for a negotiated solution on the basis of the existing agreements. The Union believes that it should be possible to conclude the final status negotiations within the target period of one year.

The European Union reiterates its call on both refrain from activities which prejudice the outcome of the final status negotiations and from any activity contrary to international law, including all settlement activity, and to fight incitement and violence.

The European Union reassures you about its full political commitment to facilitate the implementation of Sharm esh-Sheikh Memorandum along the lines expressed in this letter. Let me reaffirm once again the total support of the Union to the peace process.

Sincerely yours,

Tarja Halonen
Minister for Foreign Affairs (Finland)



**PLO CHAIRMAN YASSER ARAFAT, REMARKS ON THE
SHARM AL-SHEIKH MEMORANDUM TO THE ARAB FOREIGN MINISTERS
COUNCIL, CAIRO, 12 SEPTEMBER 1999 [EXCERPTS]**

[Arafat's speech was noteworthy for its strong stand on refugee rights at a time of widespread skepticism concerning PA intentions for final status negotiations on the issue.]

After three years of total stagnation in the peace process, life and soul returned to the peace process with the signing of the Sharm al-Sheikh Memorandum under the patronage of blessed President Husni Mubarak... We regard the signing of this memorandum as an important and necessary step in the right direction for the sake of implementing all the provisions of the interim agreement to which Israel committed itself, in an honest and accurate way and in accordance with the agreed on deadlines, which were held up by the former Israeli government. We expect with great hope and confidence the continuation of the peace talks on the Palestinian track and the resumption of negotiations on the Syrian and Lebanese tracks as well as a lasting, just, and comprehensive peace that restores the territory to its rightful owners and provides security and stability to the region's countries and nations. This peace must guarantee the end of the Israeli occupation of our Palestinian, Syrian, and Lebanese territory; the restoration of our holy shrines; Palestinian self-determination; and the establishment of an independent Palestinian state with Jerusalem as its capital.

We cling to the need to implement, faithfully and accurately, UN Security Council Resolutions 242, 338, and 425 on all fronts because the Arab nation will never abandon its lands and rights as spelled out by the UN resolutions nor will it ever accept less than what is provided for in the text of the binding UN resolutions.

Let me emphasize here in front of you, dear brothers, that we are determined to cling obstinately to the provisions of the UN resolutions and the necessity to implement them, and to the withdrawal of the Israeli forces from Palestinian, Syrian, and Lebanese territories to the 4 June 1967 borders. I call on the venerable Arab League Council to reaffirm this united Arab stance, as it did in the past, to put things in the proper perspective before all the parties concerned with the peace process.

Mr. Chairman, ladies and gentlemen, the essence of the Palestinian cause is the issue of a usurped land and the Palestinian refugees, who were unrightfully driven from their land by the unjust Israeli aggression, which occurred and continues to occur on our land and against our people. As a result, millions of Palestinians were left without land, homes, and country. In our struggle to regain the

land, we have never forgotten and will never forget our kinfolk and sons who are dispersed in various parts of the world without a homeland, future, or identity.

Sinful and vicious attempts are now being made to cast despair and frustration in the hearts of the Palestinian refugees, to undermine their splendid patriotic steadfastness, which has protected the Palestinian cause from being wasted and forgotten. This is the outcome of a tremendous colonialist conspiracy against our people. Some tendentious voices are speaking about resettlement in one Arab country or another, or the dispersing of the Palestinians in far-flung lands.

In the name of the Palestinian people and on behalf of the PLO and the Palestinian Authority, let me declare it loud and clear: There can be no homeland for the Palestinian people except their homeland, Palestine, the homeland of their fathers and grandfathers, and of their children and grandchildren. It is the homeland of the past, the present, and the future, no matter how much time is needed to achieve this and regardless of the magnitude of the conspiracies against these people and the Arab nation.

Our belief in the refugees' right to return to their homeland is unshakable. Our resolve in this matter is relentless. As much as faith, the clinging to the land, and steadfastness have served this cause, the UN resolutions have also preserved the Palestinian right and the right of the Palestinian refugees to return to their homeland.

UN Resolution 194, which spells out the full rights of the refugees, is the one to which we cling to protect the rights of the Palestinian refugees. There can be no solution to the problem of the Palestinian refugees other than the implementation of Resolution 194. For this reason, I call on our nation, its countries and people, to cling to this resolution and defend it at international conferences and forums as well as in the current negotiations.

Our people, who made many, many sacrifices in the homeland and the camps to regain their land and establish a state, will not accept resettlement and dispersion, but will continue their just and legitimate struggle until the sons of the Palestinian homeland return to the country, Palestine.

Mr. Chairman, ladies and gentlemen, holy Jerusalem, the capital of the coming state of Palestine, is being subjected to a conspiracy to Judaize it completely, obliterate its history, and erase its historical heritage and its international, religious, and pan-Arab character... The settlement onslaught also intruded into the heart of the Old City of Jerusalem; its houses were stolen and confiscated, and its Arab character was obliterated by force and coercion.

I place the issue of Jerusalem before my brothers, the Arab leaders and officials, affirming to them that we cling to all our rights in holy Jerusalem, on the basis of implementing the pertinent UN resolutions, particularly Security Council Resolution 242, which applies to holy Jerusalem as much as it applies to the other occupied Palestinian and Arab territories. We have rejected and continue to reject the Israeli government's decision to annex holy Jerusalem. We reject the city's Judaization, and, with the cooperation of our people and masses, we are working day and night to preserve our firm rights in holy Jerusalem.

From this podium, I call on our nation and our Arab countries to attach to Jerusalem the importance it deserves and to formulate policies capable of protecting our holy Jerusalem from Judaization and settlement I declare it openly: There can be no peace without a free holy Jerusalem as the capital of the Palestinian state. Real peace is the peace that restores Jerusalem to its people and nation and to its global humanitarian and religious role.

I wish to remind everyone that we went to the Madrid peace conference on the basis of the land-for-peace principle in line with Resolutions 242, 338, and 425.

Mr. Chairman, ladies and gentlemen, we continue to adhere to the agreements we signed with the Israeli government. We are making every possible effort to ensure that the Israelis remain commit-

ted to the implementation of these agreements in letter and spirit and in accordance with the agreed upon timetable. The signing of the Sharm al-Sheikh Memorandum a few days ago reaffirmed the importance of safeguarding and reviving the peace process and saving it from the total stagnation under which it labored during the past three years. The signing also underlined the need to implement swiftly, faithfully, and honestly all the outstanding agreements and to press ahead with the search for the desired peace.

We have implemented the provisions required of us to promote the peace process. We will continue this firm policy, which proceeds from our wish to safeguard the inalienable Palestinian rights for the sake of a just and lasting peace in the Middle East that would ensure security for all sides and guarantee our national rights in our independent Palestinian state with Jerusalem as its capital.

Ladies and gentlemen, achieving swift progress in the final status negotiations, which will begin tomorrow, Monday, requires that the Israeli government should complete the implementation of its obligations in line with the Wye River agreement and stop completely confiscating Palestinian lands and building settlements on them, especially as these actions contradict the spirit of the peace we wish to attain and are a flagrant violation of UN resolutions, including UN Security Council Resolutions 242 and 338. Restoring confidence in the peace process and in its objectives is a very important thing, because it creates a favorable atmosphere to make quick progress in the final status negotiations and find just and lasting solutions to the core issues, particularly those that pertain to the future of holy Jerusalem, the settlements, the refugees, the borders, and the water resources. The future of the entire peace process hinges on resolving these issues.



ISRAELI FOREIGN MINISTER DAVID LEVY, STATEMENT AT THE RESUMPTION OF THE ISRAEL-PA PERMANENT STATUS NEGOTIATIONS, EREZ, 13 SEPTEMBER 1999

[On 8 Sept., the Knesset had approved the Sharm El-Sheikh Memorandum by 54:23 and the cabinet the maps for the next redeployment stage by 17-1. Over the next days, Israel released 199 out of 350 prisoners it had committed to release and transferred 7% of West Bank area C to B. On 13 Sep. Israel Final Status Negotiations were opened at Erez, where FM Levy stated Israel's red lines: no return to the 1967 lines; United Jerusalem under Israeli sovereignty; settlement blocs to remain under Israeli sovereignty; and no foreign troops west of the Jordan River.]

My esteemed colleague, Abu Mazen; members of the Palestinian delegation; dear ambassadors; fellow members of the Israeli delegation:

We are gathered here this evening about eight years after the Madrid Conference, where the Middle East peace process was launched, and on the sixth anniversary to the day of the signing of the Declaration of Principles between Israel and the PLO. In these eight years we - Israelis and Palestinians - have come a long way with regard to mutual recognition, implementation of the interim agreements, and the formulation of frameworks for reconciliation and cooperation. Now we are entering the final stage: the formulation of a permanent status agreement between Israel and the Palestinians. With God's help, this agreement will put an end to the century-old conflict between the two nations that has caused so much suffering. In the past eight years we have experienced exciting times, as well as times of anguish and agonizing pain. Together we found the golden mean of compromising in such a way so as to meet the needs of the Israelis and Palestinians alike. At times, however, we were - and are - divided by major disagreements.

The fate of the peace process depends on our joint effort to solve these difficult problems and this will be our test. Nevertheless, despite all the years of negotiations, we have not allowed ourselves to lose the hope of a successful conclusion to the peace process. We have not let ourselves wallow in despair and have not - even for a moment - lost our ability to keep going and to keep sight of the goal. The

credit for this ability belongs to the bold leaders of the region, especially the pioneers who paved the way and regrettably are no longer with us: President Sadat and Israeli Prime Minister Menachem Begin, King Hussein and Israeli Prime Minister Yitzhak Rabin.

The Government of Israel is determined to bring the negotiations to a successful conclusion after each side fulfills its obligations; it is motivated by a profound inner conviction that the time has come for all sides in our region to embark on a different pattern of relations. In the few weeks since the formation of the new government in Israel, we have demonstrated our adherence to a rapid timetable for achieving and implementing understandings and agreements. This is how we acted in connection with the signing of the Sharm el-Sheikh Memorandum, and this is how we intend to act in connection with the permanent status agreement.

We have to reach a framework agreement on the principles of the permanent status agreement by February 2000 and the permanent status agreement itself within a year. None of us is under any illusions. We face a difficult task. The permanent status agreement is the final step in building peace, but it is perhaps the most complicated of all. We and the Palestinians will have to address a long list of extremely thorny issues. It is no secret that each side is coming to the negotiating table with its own set of principles, positions, and opinions.

Israel is guided by four basic principles in negotiating a permanent status agreement: we will not return to the 1967 lines; united Jerusalem will remain the capital of Israel; settlement blocs will remain under Israeli sovereignty; there will be no foreign army west of the Jordan River.

We must be prepared for the differences between our perceptions to seem deep and unbridgeable at times. At such times we all - the nations and their leaders - have to continue to focus on the goal of ending the conflict and remember that we have the tool that we need to cope effectively with the challenges and difficulties of the negotiations. We have the ability to resolve the conflict by means of direct dialogue around the negotiating table. This is the only way! We must also remember that both sides will have to make compromises that may involve painful decisions. Some people doubt our ability to reach a framework agreement within a reasonable amount of time, as stipulated in the Sharm el-Sheikh agreement. I want to state and stress honestly and sincerely: if we cannot reach a framework agreement within five months, we certainly will not be able to reach a permanent status agreement by September 2000. Therefore we have to do our best and know that the eyes of multitudes are upon us. It is imperative that we exhaust every option and leave no stone unturned, so that we can look our children in the eye and say that we tried everything we could. Let us not be mistaken: our efforts to instill peace will continue to encounter the vigorous opposition of those destructive forces that oppose the peace process and seek to sabotage it even by the most invalid and terrible means of all. We must wipe this out together. The goal of terrorism is to harm innocent people. Let me make this perfectly clear: The citizens of Israel and their government expect our Palestinian partners to continue to struggle resolutely against terrorism and its infrastructure. We will fulfill our obligation to fight terrorism everywhere and by every means. This is the elementary duty of the Israeli government. But we are also counting on the fact that a determined and tenacious fight against terrorism by the Palestinian Authority is an essential component of the peace process.

Furthermore, in order to prevent frequent crises in our relations, we will have to draw up a code of conduct, with the help of our friends in the international community, on the basis of which the negotiations between Israel and the Palestinians will be conducted.

We cannot agree to have a diplomatic war waged against us on all international fronts while we are engaged in direct negotiations. This is an unacceptable and unbearable duality. We certainly cannot accept threats of violence. The leaders of the nations must understand that in addition to the negotiating work, it is their job to prepare people psychologically. Peace is education. Peace is the language of peace - the language of leaders to their people, the language of teachers to their students, and the language of religious leaders to their flocks. It is incumbent upon the international community to aid,

support, and back the steps taken by the parties to the direct negotiations by creating an atmosphere that will help achieve momentum.

This atmosphere will be created first and foremost by avoidance of unilateral positions and steps that predetermine the outcome of the permanent Status Negotiations. If such care is not taken, and if one side thinks that it and its positions have unilateral international support, nothing will be accomplished. We all - the regional players and the players from outside the region alike - must continue what we began and help the peace process along by bolstering the Palestinian economy and restoring the momentum of the multilateral process.

I must state here unambiguously that in the multilateral process Israel has nothing to gain other than creating the atmosphere and developing the potential of both sides and all the forces in this region to act to develop their nations and provide a salve for many wounds. I am happy to have been one of the initiators of this process. I remember the impressive conference in Moscow, which really launched a new course that brought the sides closer together, sidestepped hostility and enmity, and resulted in development in many fields for the benefit of the peoples and for the benefit of the countries. We expect, and are now seeing, efforts being made by the international community - by the United States and Russia and by the European Union and Japan, and with the consent of Egypt, Jordan, the Palestinians, and ourselves - to renew the momentum of the multilateral process. Let us not convey the feeling that alongside the negotiations that we conduct in good faith, we can permit ourselves to evoke doubt in the international arena as to the chances of peace between us. If we do, God forbid, we will be creating despair with our own hands, through our behavior. Who would want to help those who cannot themselves identify constructive realms that are essential to their people? We must remember this and remind others.

In a few weeks, the donor states will convene in Tokyo. I hope wholeheartedly that the conference will live up to the many expectations.

We are about to enter a new millennium. In the new millennium the world will be more sophisticated. Hopefully, it will also have learned from experience and be more intelligent, trying to resolve conflicts instead of exacerbating them.

From Israel's perspective, non-belligerence is not equal to peace. The future that we seek to build in the region must be devoid of enmity, boycotts, threats, and violence. Therefore, Israel wants to learn what is the Arab world's conception of full peace: is it cooperation, trust, mutual appreciation, sensitivity to the needs of the other side, or continuation of the confrontation in other ways? I hope that we - the Israelis and Palestinians - have started this dialogue. I hope everyone involved understands that there can be no total peace without climbing aboard the moving vehicle of peace. In all the crises that we have experienced together, we have come to know each other well. Perhaps this will help us be considerate of each other's problems, too. Yesterday, the Jewish people in Israel and in the Diaspora marked the start of a new year. All were united by one prayer: that the new year will be a better one, full of blessings. May the new year bring us the total peace that we yearn for so fervently in our region. The time has come for Jews and Arabs to finally give each other the blessing that echoes from generation to generation - one that was familiar to our ancestors at the dawn of our nation's history, in our so similar languages: *shalom aleikhem, salaam aleikum, aleikum wasalaam* (peace be unto you).



**STANDING CONFERENCE OF MIDDLE EASTERN CHRISTIAN AND MUSLIM
RELIGIOUS LEADERS IN AMERICA, ANTIOCHIAN ORTHODOX ARCHDIOCESE OF
NORTH AMERICA, 16 SEPTEMBER 1999**

In a meeting held at the headquarters of the Antiochian Orthodox Archdiocese of North America, September 16, 1999, the following statement was issued:

There have been many statements issued lately by political and religious leaders about settling the Palestinians in Lebanon. We have observed with great satisfaction that the political and spiritual leaders of Lebanon, regardless of religious affiliation, have totally and unequivocally rejected this proposition. In 1948, 1967 and 1970 hundreds of thousands of Palestinians were welcomed into Lebanon, as guests, and not on a permanent basis. The Lebanese people extended to the Palestinians every humanitarian and moral support, many times at the expense of peace and tranquility of Lebanon. We do not know of any country which has offered more sacrifices for the Palestinian cause than Lebanon. The return of the Palestinians to Palestine is a sacred right for which the Lebanese continue to struggle in Lebanon and overseas. Moreover, it is pleasing to know that the Palestinians themselves will not accept any home on earth in exchange for Palestine, their original home since time immemorial.

Therefore:

- (1) We would like to make it clear that any attempt to settle the Palestinians in Egypt, Iraq, Syria, Lebanon or Jordan, denying them the right to return home is a flagrant violation of UN Resolution 194, the Geneva Convention of 1949, the Tae'f Agreement of 1989, the stated policy of all Arab countries and the international community. It is inconceivable that millions of Jews from all over the world can settle in Palestine while the indigenous people of Palestine (the Palestinians) are denied their inalienable right to return to their land.
- (2) While the Palestinian Authority and the Israeli government continue to negotiate peace, we appeal to Chairman Arafat and the Palestine National Council, urging them to stand firm and not compromise the sacred right of the Diaspora Palestinians to return home.
- (3) We also urge Egypt, Syria, Iraq, Lebanon and Jordan, who have welcomed most of the Palestinian refugees, to call for a Special Arab Summit Conference for the sole purpose of discussing this tragic problem and bringing it, once again, to the attention of the international community.
- (4) Any resolution taken by an Arab Summit Conference or otherwise must be brought to the attention of the President of the United States, urging him to pressure Israel to permit the return of the Palestinians to their homes in accordance with international law and legitimacy. Furthermore, such a resolution should be presented to the permanent members of the Security Council and the European community.
- (5) Finally, the return home of the Palestinians will, highly, contribute to the reunification of the Palestinian family and help build a strong and viable Palestinian State which will highly enhance international peace and the new world order.

Most Reverend Metropolitan Philip Saliba, Chairman, Antiochian Orthodox Christian Archdiocese of NA
 Right Reverend Bishop Stephen Douehi, Eparchy of Saint Maron of Brooklyn
 Most Reverend John A. Elya, Eparch of Newton, Diocese of Newton
 Skeikh Sami T. Merhi, Chairman, The Druze Council of North America
 Sheikh Hamad Chebli, Islamic Center, New Jersey
 Most Reverend Archbishop Oshagan Choloyan, Prelacy of the Armenian Apostolic Church of America
 Imam Fadhel Al-Sahlani, Imam Al-Khoei Islamic Center, Jamaica, NY



**FINAL COMMUNIQUÉ, MEETING OF MINISTERS FOR FOREIGN AFFAIRS AND
 HEADS OF DELEGATION OF THE MOVEMENT OF NON-ALIGNED COUNTRIES, NEW
 YORK, 23 SEPTEMBER 1999 [EXCERPTS]**

1. We, the Ministers for Foreign Affairs and Heads of Delegation of the Non-Aligned countries met on 23 September 1999 in the context of the 54th Session of the General Assembly of the United Nations, on the eve of the new millennium, to coordinate our efforts and establish guidelines to enable the members of the Movement to work in a collective manner on matters of common interest and concern.

[...]

72. We reaffirm the positions taken by the XII Summit in Durban on the Question of Palestine and the Situation in the Middle East. We unequivocally support the inalienable rights of the Palestinian people, including the right return to their homeland and to have their own independent State with Jerusalem as its capital, and we reiterate our demand for the withdrawal of Israel, the occupying Power, from all of the Occupied Palestinian Territory, including Jerusalem, and the other Arab territories occupied since 1967. We call for the implementation of all United Nations resolutions on the question of Palestine, and reaffirm the permanent responsibility of the United Nations toward the question of Palestine until it is effectively solved in all its aspects.
73. We reaffirm the Movement's position on Occupied East Jerusalem, the illegal Israeli settlements and the applicability of the Fourth Geneva Convention of 1949 to all the Occupied Palestinian Territory, including Jerusalem. We demand that Israel, the occupying Power, implement Security Council resolutions in this regard and abide by its legal obligations. We welcome the convening of the conference of the High Contracting Parties to the Fourth Geneva Convention on Measures to Enforce the Convention in the Occupied Palestinian Territory, including Jerusalem on 15 July 1999, as recommended by the resolutions of the 10th Emergency Special Session of the General Assembly. We further welcome the important statement adopted by the Conference, which reaffirms the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory, including Jerusalem, and we reiterate support for the reconvening of the Conference should the need arise. We reiterate that Israeli representation in the work of the General Assembly must be in conformity with international law, thus ensuring that Israeli credentials do not cover the territories occupied since 1967, including Jerusalem. Furthermore, we reaffirm our support for the Bethlehem 2000 Project in the Palestinian city of Bethlehem and express confidence that the increased assistance and engagement of the international community will ensure the successful commemoration of the event.
74. We reaffirm our support for the Middle East Peace Process based on Security Council resolutions 242, 338 and 425 and the principle of land for peace. We further reiterate the need for compliance with and implementation of the agreements reached between the Palestine Liberation Organization and Israel as well as the fulfillment of the commitments and pledges made in accordance with the terms of reference of the Madrid Conference and the ensuing negotiations. We express grave concern over the ongoing total cessation of the Peace Process on the Syrian-Israeli and the Lebanese-Israeli tracks due to the Israeli maneuvers and rejection to start the talks from the point they stopped at. [...]



ASSISTANT SAUDI FOREIGN MINISTER NIZAR OBAID MADANI, STATEMENT TO THE UN GENERAL ASSEMBLY, NEW YORK, 30 SEPTEMBER 1999 [EXCERPTS]

*In the name of Allah, most compassionate, most merciful.
Blessing and peace be upon the Most Noble of Prophets*

[...]

Mr. President:

This organization has been preoccupied throughout its history with the problem of the Middle East, whether in the Security Council or the General Assembly, in order to achieve a permanent and comprehensive solution to the Arab-Israeli conflict. When the peace process was launched in Madrid at the end of October 1991, with all its bilateral and multilateral tracks, on principles accepted by all parties to the conflict, all believed that a new era of peace, stability and growth is looming on the horizon, putting an end to the phase of wars and conflicts that exhausted the energies and capabilities of the peoples of the region. In fact, the peace process moved forward and some progress has been achieved, especially in the Palestinian and Jordanian tracks. The multilateral talks also gained some ground through regional cooperation. The peace process then suffered paralysis and impasse due to the policies and practices of the former Israeli government, although the Arabs had declared peace an irrevocable strategic choice. However, this did not change the practices of the former Israeli govern-

ment and its lack of adherence to the principles of the peace process as well as its failure to fulfill its obligations in the agreements signed with the Palestinians, including the Wye River Accord.

At present, there is an attempt to revive the peace process in light of statements issued by the new Israeli Prime Minister that he intends to activate the peace process on all tracks. The Treaty of Sharm El-Sheikh, signed on September 4 of this year, could be a good step if followed by similar steps to move the process towards the basis and principles that were established at the Madrid Conference, principally the land-for-peace formula.

On the Palestinian track, peace requires withdrawal from the Occupied Territories and the restoration of all the legitimate national rights of the Palestinians, including their right to establish their own independent state with Al-Quds as its capital. Al-Quds, as a final status issue, should be addressed according to UN Resolutions 242 and 252. Al-Quds is part of the Occupied Territories and Israel should refrain from undertaking any unilateral measures that prejudice the status of this sacred city. It is imperative and natural for any comprehensive and permanent settlement to address the issue of the return of the Palestinian refugees according to Resolution 194 and the release of prisoners in addition to the issues of settlements and water resources.

As to the Syrian track, negotiations should resume from the point they were frozen by a decision of the previous Israeli government. It is well known that Syria remains willing and prepared to reach a comprehensive and permanent solution based on the principle of land for peace. With regard to the Lebanese track, it is subject to Security Council Resolution 425 that calls for the immediate and unconditional withdrawal of the Israeli forces from southern Lebanon. [...]



PROTOCOL CONCERNING SAFE PASSAGE BETWEEN THE WEST BANK AND THE GAZA STRIP, 5 OCTOBER 1999

[The Protocol was a result of the Wye River Memorandum. It was never implemented by Israel.]

1. Preamble

- A. Pursuant to the Wye River Memorandum of October 23, 1998 and the Sharm el-Sheikh Memorandum on Implementation Timeline of Outstanding Commitments of Agreements Signed and the Resumption of Permanent Status Negotiations of September 4, 1999; and
In accordance with the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, signed in Washington, D.C. on September 28, 1995 (hereinafter "the Agreement"); and
With a view to implement Article X and the other related provisions of Annex I to the Agreement "Protocol Concerning Redeployment and Security Arrangements" (hereinafter "Annex I"),
Both sides hereby agree to the following "Protocol Concerning Safe Passage between the West Bank and the Gaza Strip" (hereinafter the "Protocol").
- B. This Protocol establishes the modalities for the use of safe passage. The arrangements set out in this Protocol are subject to the Agreement and are not in any way intended to derogate from any of its provisions, including, inter alia, the provisions of the Agreement regarding passage between the West Bank and Israel, between the Gaza Strip and Israel and between the West Bank and the Gaza Strip.
- C. This Protocol may be amended by a decision of both sides.
- D. This Protocol will come into force upon the signing thereof by both parties.
- E. This Preamble is an integral part of this Protocol.

2. General Provisions

- A. Article X of Annex I, and the attached map No. 6 delineate two routes through which Israel will make safe passage available.

- B. 1. Israel will ensure safe passage for persons and transportation during daylight hours (from sunrise to sunset) or as otherwise agreed, but in any event not less than 10 hours a day.
- 2. Travelers will be required to commence their journey as follows,
 - 2.1. one and a half hours for travelers using private vehicles and taxis;
 - 2.2. two hours for commercial traffic and buses, before sunset on the day of the journey.
- C. 1. Safe passage will be effected by means of privately owned road vehicles and public transportation, as detailed in paragraph 5 below.
- 2. Safe passage shall be via the following designated crossing points:
 - 2.1. the Erez crossing point (for persons and vehicles only);
 - 2.2. the Karni crossing point (Commercial) (for goods only);
 - 2.3. the Tarkumya crossing point (for persons, vehicles and goods); and
 - 2.4. an additional crossing point around Mevo Horon.
- D. 1. The safe passage arrangements will not be available on Yom Kippur, Israel's Memorial Day and Israel's Independence Day.
- 2. Both sides may make special arrangements for other designated days, as agreed between them.
- E. Israel shall signpost the safe passage routes clearly and shall take all necessary measures to ensure smooth movement while preserving safety and security on the route or routes in use on any specific day.
- F. Except as provided in paragraph 3.H.2 below, the use of safe passage by residents of the West Bank and the Gaza Strip does not afford them license to be present in Israel except along the safe passage routes designated for their use.
- G. Israel may, for security or safety reasons, temporarily halt the operation of a safe passage route or modify the passage arrangements while ensuring that one of the routes is kept open for safe passage. Notice of such temporary closure or modification shall be given to the Palestinian side, through agreed channels, as far in advance as the circumstances will allow.
- H. Israel may deny the use of its territory for safe passage by persons who have seriously or repeatedly violated the safe passage provisions detailed in this Protocol or in the Agreement. Israel will notify the Palestinian side, through agreed channels, of any decision to deny the use of its territory as a result of such violations. The notification shall include details of the violations giving rise to the denial. The individual in question shall have the right to request, through the Palestinian side, that Israel reconsider its decision.
- I. Nothing in this Protocol will be construed as derogating from Israel's right to apply inspection measures necessary for ensuring security and safety at the crossing points of the safe passage. Maximum efforts will be made to maintain the dignity of persons using safe passage and to implement inspection measures relying heavily on brief and modern procedures.
- J. Israel shall notify the Palestinian side of incidents involving persons using safe passage routes through the agreed channels.
- K. It is understood that the safe passage shall be operated on a cost-reimbursement basis, in accordance with an agreement on the modalities to be reached in the Joint Economic Committee.
- L. Israel shall be compensated for damages incurred by Israel, Israelis or their property as a result of the use of safe passage, in accordance with an agreement on the modalities to be reached in the Joint Economic Committee.

3. Use of Safe Passage

- A. Residents of the West Bank and the Gaza Strip wishing to make use of safe passage shall arrive with a safe passage card at the safe passage terminal at one of the crossing points specified at paragraph 2.C.2 above, where they will identify themselves by means of identification documents as mentioned in paragraph 6, Article 28, Appendix 1, Annex III to the Agreement.
- B. After identification at the terminal, and after the validity check of the safe passage card, travelers will be issued with safe passage slips subject to the provisions of this Protocol and the Agreement, except for persons provided for in paragraph 2.H above and paragraph 6 below.
- C. 1. The Palestinian side shall transfer to the Israeli side all applications for safe passage cards, after initial Palestinian security approval. The applications shall be in accordance with the agreed procedures (including the submission of all required information as well as two updated photographs).
- 2. The Israeli side shall respond to the applications within two working days. It is agreed that in all cases in which the photographs submitted with the application do not match the Israeli database,

- or in which the photograph of the individual does not appear in the Israeli database, the application shall not be processed and shall be returned to the Palestinian side.
3. Safe passage cards shall be issued in the relevant Israeli District Civil Liaison Office (DCL) in the West Bank or in the Regional Civil Affairs Subcommittee (RCAC) in the Gaza Strip.
 4. On-duty Palestinian policemen and minors under age 14, traveling in accordance with the provisions of paragraphs 7 and 3.I below, respectively, shall not be required to receive a safe passage card for the use of safe passage.
 5. Men over 50 and women shall generally receive their safe passage cards through the Palestinian side, except for special cases. The Israeli side will make all efforts to minimize such exceptions.
 6. In light of the special nature of the safe passage, those persons whose applications for safe passage have been approved shall receive from the Israeli side their safe passage cards at the Israeli side of the District Coordination Offices (DCOs). An unarmed civilian Palestinian liaison officer shall be present throughout all stages of this process. Receipt of the safe passage card shall be contingent on the individual being definitively identified by the Israeli side, using the best available methods (including, in the near future, biometric information), as agreed upon by the two sides.
- D. A safe passage card shall be valid for one year for multiple two-way journeys on the safe passage routes. Travelers can only use safe passage within the operation time as provided for in paragraphs 2.B.1 and 2.B.2 above.
 - E. Upon completion of the journey, the safe passage slips and safe passage stickers shall be returned to the Israeli authorities at the destination crossing point.
 - F. Residents of the West Bank and the Gaza Strip in possession of permits enabling them to enter Israel will be able to use these permits as safe passage cards, subject to the conditions of such permits and to the modalities set out in this Protocol.
 - G.
 1. Individual safe passage slips will be issued and stamped by the Israeli authorities at the crossing points, with the time of departure from the crossing point and the estimated time of arrival (hereinafter "the designated time").
 2. The designated time shall enable completion of the journey within a reasonable time.
 - H.
 1. Persons and vehicles using safe passage under these arrangements shall neither break their journey nor depart from the designated routes, and shall complete the passage within the designated time, unless a delay is caused by a medical emergency or a technical breakdown.
 2. Notwithstanding paragraph 3.H.1 above, in the case of a medical emergency travelers may drive directly to the nearest hospital or first aid station. Such travelers will be required to report the incident to the relevant authorities at the destination crossing point as soon as circumstances allow.
 3. In the case of a technical breakdown, travelers must remain on the safe passage route with their vehicles until the arrival of the Israeli police and follow their instructions. In addition, travelers may stop another vehicle using safe passage and request the driver to inform the authorities at the destination crossing point of the case.
 - I.
 1.
 - 1.1. Minors under the age of 16 who are accompanied by a parent and registered in the identity card of that parent will not be required to carry individual safe passage cards.
 - 1.2. Such minors shall identify themselves via the identity card of the accompanying parent.
 2.
 - 2.1. Minors who are not accompanied by a parent may also use safe passage without carrying a safe passage card provided that:
 - 2.1.1. they are under the age of 14; and
 - 2.1.2. they are accompanied by an adult (18 or over).
 - 2.2. Such minors shall identify themselves by means of a birth certificate or a certified copy of the parent's identity card in which they are registered.
 - J. Persons and vehicles shall not carry explosives, firearms or other weapons or ammunition except for special cases that may be agreed by both sides. Transportation of dangerous substances shall be in accordance with the provisions of the Agreement.

4. Use of Safe Passage Routes by Visitors from Abroad

- A. Provisions of the Agreement and this Protocol regarding the use of safe passage will apply to visitors to the West Bank and the Gaza Strip from abroad, without derogating from the provisions of the Agreement concerning visitors.

B. Visitors will identify themselves by means of: (i) valid visitors' permits; and (ii) passports or travel documents when using the safe passage.

5. Use of Vehicles on Safe Passage Routes

- A. 1. Residents of the West Bank and the Gaza Strip wishing to use their privately owned vehicles to travel along the safe passage shall apply for a vehicle safe passage permit through the Palestinian side. The Israeli side shall respond to such applications within five working days. Such applications shall include the identification documents referred to in paragraph 3.A above; safe passage cards or permits enabling them entry into Israel; valid drivers' licenses; valid vehicle licenses; and valid insurance policies. The vehicle safe passage permits shall be issued in the relevant Israeli DCL in the West Bank or in the RCAC in the Gaza Strip and transferred to the Palestinian side.
2. In addition to the above, the two sides may agree on specific categories or persons who may use a vehicle not owned by them. Such categories include, inter alia: (i) persons employed by the Palestinian Authority driving a vehicle owned by the Palestinian Authority; (ii) persons employed by a private company driving a vehicle owned by the private company; and (iii) taxi drivers (only one designated driver per taxi). In such cases, in addition to all other requirements of this Protocol, the person shall be required to possess and submit a written permit signed by the Palestinian side and by the vehicle-owner authorizing that person's use of the vehicle for safe passage.
- B.1. On the day of the journey, the drivers will arrive at the safe passage terminal at the departure crossing point with their vehicle safe passage permits; safe passage cards or permits enabling them entry into Israel; identity cards; valid drivers' licenses; valid vehicle licenses; valid insurance policies; and, if applicable, the permit referred to in paragraph 5.A.2 above. After identification, and after the validity check of the vehicle safe passage permit, drivers will be issued with an individual safe passage slip and a safe passage sticker, to be displayed on the right-hand side of the front windshield of the vehicle.
2. The names of all passengers traveling in the vehicle shall be listed on a separate document to be attached to the driver's safe passage slip.
3. Persons listed as travelers in a particular vehicle must remain with the vehicle for the full duration of their safe passage journey, except for the medical emergencies provided for in paragraph 3.H.2 above.
- C. Residents of the West Bank or the Gaza Strip in possession of valid permits enabling them to enter Israel with their vehicles, will be able to use these permits as vehicle safe passage permits, subject to the conditions of such permits and to the modalities set out in this Protocol.
- D. 1. Vehicle safe passage permits shall be valid for not less than three months from the date of issuance, for multiple two-way journeys.
2. Certain persons who are acceptable to both sides will be issued vehicle safe passage permits, the validity of which shall be for more than the period specified in paragraph 5.D.1 above and up to one year. Such permits shall be issued provided that the Joint Civil Affairs Coordination and Cooperation Committee (CAC) had applied for them through the relevant DCL in the West Bank or the RCAC in the Gaza Strip.
- E. All vehicles used by residents of the West Bank and the Gaza Strip for the purpose of traveling via safe passage must have valid licensing in accordance with Article 38, Appendix 1, Annex III to the Agreement and at least valid compulsory insurance policies, in accordance with Article 19, Appendix 1, Annex III to the Agreement, and Article XI, Annex V to the Agreement.
- F. All vehicles used for the purpose of safe passage shall meet Israeli standards and applicable Israeli law.
- G. 1. "Sterile" public transportation vehicles shall operate between Tarkumya and Erez crossing points.
2. The public transportation vehicles will be designated for the purpose of safe passage only.
3. The public transportation vehicles as well as their drivers should be acceptable to both sides.
- H. In special emergency related cases, to be handled through agreed channels, safe passage may be used by privately owned vehicles without having submitted an application in advance.

6. Use of Safe Passage by Persons Denied Entry into Israel

A. Persons who are denied entry into Israel will use safe passage by means of shuttle buses which will be escorted by Israeli security forces vehicles, and which will operate from 7:00 AM to 2:00 PM on Mondays and Wednesdays of every week.

- B. Applications by persons denied entry into Israel to use the safe passage must be submitted to, and agreed upon, at least five working days prior to the planned journey.
- C. Cases of persons denied entry into Israel whose applications to use safe passage are not agreed upon shall be discussed in the agreed channels.
- D. 1. Persons denied entry into Israel who have used the safe passage will be able to return that same day to their original point of departure via the mechanism established in paragraph 6.A above.
 - 2. Persons denied entry into Israel and who have used the safe passage will be able to return to their original point of departure by shuttle bus within two weeks following the date of departure with notification through the agreed channels at least 1 working day prior to the planned journey.
 - 3. Persons denied entry into Israel and who have stayed for a period in excess of that specified in paragraph 6.D.2 above, will be required to submit applications as provided for in paragraph 6.B above.
- E.1. The aforementioned shuttle buses shall have Palestinian registration and shall be driven by Palestinian residents.
 - 2. The aforementioned shuttle buses as well as their drivers should be acceptable to both sides.

7. Passage of Palestinian Police

- A. In accordance with paragraph 2.g, Article X of Annex I, uniformed and plainclothes Palestinian policemen required to use the safe passage so as to perform their duty in the West Bank and the Gaza Strip, or Palestinian policemen other than in instances covered by paragraph 7.E below, using privately owned vehicles, official vehicles or other means of transportation, will be able to use the safe passage after the Palestinian police has submitted an application and after that application was approved, through the relevant DCO two working days prior to the planned journey.
- B. Palestinian policemen provided for in paragraph 7.A above and Palestinian police vehicles and equipment moving between the West Bank and the Gaza Strip via safe passage shall be escorted by Israeli security forces vehicles.
- C. When in safe passage, the weapons of the Palestinian policemen will be handed over to the Israeli police and placed in a closed trailer affixed to the Israel police vehicle. A Palestinian policeman may travel in the aforementioned Israeli police vehicle. The vehicle shall be driven by a member of the Israeli police. Upon completion of the safe passage journey the weapons shall be handed over to the Palestinian officer in charge in the DCO.
- D. Cases of usage of safe passage by Palestinian policemen requiring special attention and arrangements will be dealt with and coordinated through the Joint Coordination and Cooperation Committee for Mutual Security Purposes (JSC).
- E. The provisions set out in this Protocol and in the Agreement relating to regular persons will apply to Palestinian policemen using safe passage when off duty. Such policemen may only use safe passage when unarmed and out of uniform.

8. Use of Safe Passage for Commercial Traffic

- A. Goods transferred to or from the Gaza Strip via the safe passage will enter or leave the Gaza Strip through the Karni (Commercial) crossing point.
- B. Commercial vehicles carrying goods from the West Bank to the Gaza Strip via safe passage will travel along the relevant safe passage route as far as the Yad Mordechai Junction, and from there branch off to Karni as indicated on Map No. 6 (attached to the Agreement). Commercial vehicles carrying goods from the Gaza Strip to the West Bank will follow the same routes in reverse.
- C. All provisions of this Protocol and the Agreement relating to use of vehicles on safe passage routes shall apply to the use of commercial vehicles.
- D. The provisions in this paragraph 8 shall not prejudice any other mechanism established in the Agreement, or based on the Agreement, with respect to passage of goods.
- E. Further details concerning commercial traffic will be agreed upon in a special sub-committee in the CAC. Until decided otherwise, the current arrangements adopted by the CAC concerning commercial traffic shall remain in effect.

9. Future Meetings for Improving Operation of the Safe Passage

- A Continuing Safe Passage Committee shall meet regularly to supervise the implementation of this Protocol and to discuss ways to improve the safe passage operation, as agreed between both sides.

10. Use of Safe Passage by the Ra'ees of the Executive Authority

Arrangements for the use of safe passage by the Ra'ees of the Executive Authority shall be discussed in a special sub-committee through the JSC.

11. Final Clauses

- A. Consistent with paragraph 6, Article XXXI of the Agreement, the arrangements included in this Protocol are without prejudice to the permanent status negotiations.
- B. There shall be a Liaison Bureau at agreed locations close to each of the safe passage crossing points. In addition, the Palestinian side shall establish coordination points at agreed locations on the roads leading to the crossing points. The function of the coordination points shall be to ensure the smooth and orderly movement of persons and vehicles to the crossing points, in accordance with their capacity.
- C. In between the operation of the Southern crossing point of the safe passage and the Northern crossing point of the safe passage, Israel will facilitate arrangements for the movement between the West Bank and the Gaza Strip, using non-safe passage routes other than the Southern route of the safe passage.

Done at Jerusalem, this 5th day of October, 1999.



**ISRAELI CABINET, COMMUNIQUÉ REGARDING PRIME MINISTER
EHUD BARAK'S CALL FOR A SEPARATION BETWEEN ISRAEL AND THE
PALESTINIANS, JERUSALEM, 24 OCTOBER 1999**

At the Cabinet meeting today (Sunday), 24.10.99, Prime Minister and Defense Minister Ehud Barak expounded on his belief in the need for a physical separation between Israel and the Palestinians - as a logical imperative - from a political, security, moral and economic standpoint. At the same time, the Prime Minister added, this is not to be misconstrued as an attempt to sever all contact with the Palestinian Authority.

"We are talking about a separation that will create good neighborly relations, mutual respect and cooperation - and give expression to the interests of both sides."

Noting that he recognizes the importance of Palestinian laborers employed in Israel for the developing Palestinian economy, Prime Minister Barak also said that he does not seek to cause harm to the economy of the Palestinian Authority, but, to the contrary, that he wants to assist in its development - which is also in the "long-term, security interest of the State of Israel".



**ODED ERAN, HEAD OF THE ISRAELI DELEGATION, SPEECH OPENING
THE FINAL STATUS NEGOTIATIONS, 8 NOVEMBER 1999**

Mr. Abed Rabu, and the members of the Palestinian Delegation,

In the life of nations there comes a time when crucial decisions have to be made and there is nothing to be gained from avoiding these decisions.

At these junctures in history, heavy burdens are imposed on the leaders involved and nations are plunged into debate and internal conflict. Prime Minister Ehud Barak and Chairman Yasser Arafat have taken the decision to renew the process to end more than one hundred years of conflict between the people of Israel and the Palestinian people. This should not be simply an end to a conflict but a fair and just solution for both sides. It has to be a realistic and comprehensive solution, putting an end to dreams and aspirations which question the very existence of the parties to the conflict.

This has to be an Agreement which will create a stable, durable and just foundation to our own lives, as well as to the generations to come in this part of the world. We recognize the enormity of the problems, we are aware of the differences in our position which will reveal themselves in the days of negotiation ahead of us, but we commit ourselves - with no reservations - to holding these negotiations as partners, to maintaining a dialogue based on mutual respect.

After years of strife and conflict we need to listen to each other and to respect each other's points of view even when we disagree. We have come here to negotiate and to reach a solution. No one else can decide for us. Only Palestinians and Israelis can, negotiating between ourselves, reach the solutions to all the issues on which we differ, and I repeat - it is our wish to reach a permanent and comprehensive peace with you as our neighbors.

This peace should be based on security - long-term and immediate. The act of terror yesterday serves to refresh our memory and awareness of this requirement. The peace should be based on economic security as well, ensuring a stable environment for economic growth and prosperity. And last but not least, it should be based on mutual respect and partnership.

We have set ourselves an ambitious timetable for resolving the outstanding issues between us and for reaching a Comprehensive Agreement on Permanent Status by the agreed target date of September 2000. In reaching this goal, the next 100 days will be crucial. In this time, both sides have undertaken to conclude a Framework Agreement on Permanent Status.

This Framework Agreement should serve as a road map for the comprehensive Permanent Status Agreement. It should comprise the essential elements of the agreed solution to all remaining issues to be negotiated between us, as stipulated in all our previous agreements. It should address these issues - the most important and complex ones we face - in a definitive way, while leaving the detailed formulation of arrangements for implementation to the Comprehensive Agreement, which should bring about the full and final resolution of the Israeli-Palestinian dispute, in all its aspects.

While recognizing that this is a new phase in our relations, we must first acknowledge that we are marching on a road, parts of which were paved earlier. Both Palestinians and Israelis participated in the Madrid Conference of October 1991. Both concluded the historical document which really ushered us into the new era in our relations - the Declaration of Principles of September 1993. We continued with the agreements of May 1994, September 1995, the Hebron Protocol of January 1997, the Wye River Memorandum of October 1998, and last but not least the Sharm el-Sheikh Memorandum of September 1999.

These agreements and memoranda are based on the mutual commitment of the two sides to Security Council Resolutions 242 and 338. They guide us toward the Framework and will lead us to the comprehensive agreement which should bring about the absolute end of our conflict.

The Declaration of Principles of September 1993 and the subsequent documents have created the agenda for our negotiations beginning today. Clearly each side may raise other issues to be included in the agenda. We will together decide how we want to tackle them, but with your permission Mr. Abd Rabu, I would like to state that just as you represent the overwhelming Palestinian consensus on the major issues - so do I for Israel. To all Israelis, regardless of their political views, Jerusalem is our capital and it should continue to be so. Under its sovereignty Israel has proven its sensitivity to all religions and to the sanctity of freedom of worship. We therefore maintain that it should remain united, open and under Israel's sovereignty.

Ours is a region of uncertainty, of a volatile nature and of violence. As a nation which was subjected to forceful attempts to bring an end to its existence as a political entity, one can understand our deep concern for long-term, meaningful, non-virtual security, based on borders that are secure and on demilitarization.

The pre-1967 lines clearly do not provide for this. Establishing secure borders should equally leave most of the Israelis residing today in the West Bank and Gaza under Israeli sovereignty.

We aim not to dominate our neighbors but to live in good neighborly relations and harmony next to each other, with borders which separate us but do not detach us in the various spheres of life. Let me make it clear that in this respect Israel will do its utmost to assist the Palestinians long-term economic stability.

We are not indifferent to the plight of the Palestinian refugees throughout the last fifty-one years. We believe, however, that in order to bring about a permanent and stable solution which does not perpetuate the conflict, this cannot be found within the borders of Israel. Any solution to the refugee problem must create a strong, economic foundation to their well being, collectively and individually, wherever they reside.

Stating our key positions as we enter the negotiations is by no means contrary to the need for both delegations to use every bit of ingenuity and creativity to make it possible to reach a Framework Agreement on Permanent Status. We must promise to conduct our negotiations with an open mind, a sense of partnership, and respect for each other's views and beliefs.

We shall need to remind ourselves during the weeks ahead that failure to reach a just and agreed framework may entail the paying of a heavy price by both peoples for many years to come. Since I believe that the path of continued conflict cannot serve the course and interests of either people, it is certain that if we fail this time we may return to the negotiation table - but only after having suffered further pain and agony.

The eyes of the world are focused on us today and will continue to be so for the next few months. Clearly the Israeli-Palestinian conflict is but one of many which draw the attention of leaders of the leading Nations to other areas of tension. We should therefore thank the United States, the European Union and the European Countries, Russia, Canada and Japan for their special and continuing efforts to help us attain a reasonable, stable and durable peace. We welcome the constructive advice of Egypt and Jordan.

Last but not least, the Israeli delegation is grateful for the warm and friendly hospitality here in Ramallah.

Dear Colleague, I was born only five kilometers from where you were born. This symbolizes the roots of the conflict and yet - we are starting out together today on the same road towards a better future. You have my government's commitment - as well as my personal commitment and that of my colleagues - to make every possible effort to reach this goal.

It will be an honor to disagree with you - but it will be a fulfillment of a life's dream to shake hands with you at the end of the process and to say "Brother and comrade, we did it".



**GULF COOPERATION COUNCIL, CLOSING STATEMENT, 20TH SESSION
OF THE SUPREME COUNCIL, RIYADH, 27-29 NOVEMBER 1999 [EXCERPTS]**

In response to the gracious invitation by the Custodian of the Two Holy Mosques, King Fahd bin Abdul Aziz Al- Saud, King of Saudi Arabia, the Supreme Council of the Cooperation Council of the Arab States of the Gulf (GCC) held its 20th session in Riyadh, Kingdom of Saudi Arabia, from 19th to 21st Shaa'ban 1420 AH, corresponding to 27-29 November 1999 A.D., under the Chairmanship of the Custodian of the Two Holy Mosques, King Fahd bin Abdul Aziz Al-Saud, King of Saudi Arabia [...]

THE MIDDLE EAST PEACE PROCESS:

The Supreme Council studied the developments taking place with regard to the Middle East Peace Process and hailed the Sharm Al-Sheikh Agreement that was concluded on 4th September 1999 AD between the Palestinian National Authority and the Israeli Government, as being a positive step in the right direction provided that this is followed by serious steps towards returning to the values and principles adopted by the Madrid Conference, and to the resumption of negotiations that would lead to the restoration of legitimate rights of the Arabs in accordance with the UNSC resolutions 242,338 and 425, as well as the principle of land for peace; and the achievement by the Palestinians of all their legitimate rights; and the establishment of their independent state on their national soil with the Holy Jerusalem as its capital. The Council reiterated its absolute rejection of all attempts from the side of the Israeli Government to change the demographic structure of the Holy Jerusalem, considering it to be a violation of international law and resolutions of international legitimacy.

The Supreme Council stressed the fact that comprehensive and just peace in the Middle East cannot be achieved except by complete Israeli withdrawal from all occupied territories, including from the occupied Golan Heights belonging to Syrian Arab Republic, to the border line existing on the 4th of June 1967 AD, and from Southern Lebanon and its Western Biqaa area in accordance with the UNSC resolutions 425 and 426 unconditionally.

While appreciating the Arab and international efforts that are being exerted to support the Peace Process, and urging the Israeli Government to quickly and faithfully implement the agreements and pledges it has committed to the Arab sides, the Supreme Council appeals the patrons of the Peace Process and the European Union and its member countries to continue to intensify their efforts to bring back the peace process on the right track. In this context, the Council lauded the efforts made by His Excellency President Clinton of the United States of America (USA) in this regard, as well as the resolution passed by the European Union Summit on 25th March 1999 AD affirming the right of the Palestinians to self determination, which includes establishment of an independent state. [...]



PETITION OF THE TWENTY, "A CALL FROM THE HOMELAND," PALESTINE, 27 NOVEMBER 1999

[The Petition, denouncing PA corruption and containing an unprecedented attack on the Pres., was drafted by 20 Palestinian academics, parliamentarians, and political figures (incl. former Agriculture Min. 'Abdul Jawad Saleh and former Nablus mayor Bassam Shaka'a). Within two days, eight of the signatories were arrested and two put under house arrest; only the nine PLC members (who benefited from parliamentary immunity) and one signatory who had been interrogated and released were at large. Two of the arrested signatories (Shaka'a and Walid Al-Hamadallah) were released from house arrest in early Dec., six others (Adel Samara, Ahmad Qatamesh, Aflf Sulaiman al-Judah, Adnan Odeh, Abdul-Rahim Kittana, and Yasser Abu Safieh) were released on 19 Dec., and two (Ahmad Shakir Dudin and Abdul Sattar Qassim) on 6 Jan. 2000.]

Brothers and Sisters,

We are pained by the collapse and debasement taking place, by the contempt for the people and the squandering of their rights in the holy Arab land of Palestine. As ordinary citizens motivated by their national affiliation and their concern, we call on you to work together in one rank to redress the situation that we have reached.

After Oslo, the Palestinian leadership spoke of the agreements with Israel establishing a Palestinian state with Jerusalem as its capital, bringing the displaced people and refugees back to their homes, dismantling the settlements, liberating the prisoners, and preparing the economic ground for us to become the Singapore of the region. Some of us were deceived and took to the streets celebrating what they called victories.

Six years after Oslo: more land has been stolen, settlement has expanded, the refugees are being conspired against behind the scenes, and Palestinian prisons close their doors on our sons. Jerusalem has not returned, Singapore has not arrived, and the people have divided into two sections: a minority which rules and plunders, and a majority which complains and looks for a savior.

It is a terrible litany of cheating, lies, and deception, whose impact will be even more wounding and tarnishing at the final status negotiations.

Moreover, the Palestinian Authority has pursued a policy of corruption, humiliation, and exploitation of the Palestinian people. It is as though the Oslo agreement was a barter of the homeland for the wealth of a few corrupt and corrupting people in the PA. Its president has opened the door wide for opportunists to sow corruption in the Palestinian street, people's economic conditions have deteriorated, social bonds have weakened, moral standards and values have loosened, and many health, educational, and judicial institutions have been destroyed.

The alarm bell must be rung in every village, town, and camp, in every corner, indeed in every shop, home, and office. The homeland is being sold and dozens are let down and aggrieved. Let us stand together confronting this tyranny and this corruption. Injustice can only be halted by its victims, and the unjust can only be halted by the resilience of the faithful.



**PALESTINIAN POLITICAL PERSONALITIES,
RECONCILIATION DOCUMENT, 1 DECEMBER 1999**

[Among the many statements and communiqués set off by the Petition of the Twenty (see above), this one - signed by some 200 Palestinian political personalities - was considered as some kind of "national consensus."]

We, the undersigned are aware of the crisis and the challenges facing our national rights and aspirations and the future of our homeland. Palestine. We are equally aware about the current peace process and negotiations since Oslo. Despite the tireless efforts and the spent money, Oslo has failed to bring us near the aspired national objectives such as the liberation of the land, the dismantlement of settlements, the acknowledgment of our rights in Jerusalem, and the recognition of refugee rights as stated in UNSC Resolution 194. The peace process had been distorted by the Israelis and had been exploited as a cover for further violations impeding any possible intervention by the international community. We warn all those who try to break up and place impediments on the path of our national unity.

Having taken this position, we will not cease from expressing our free opinions and denounce whatever contradicts with the public interest and national unity.

Within this framework, we understand the criticism voiced against the PA's performance, including that referred to in the communiqué signed by the public figures. However, we strongly emphasize that dialogue is the only way for reconciliation within the frame of public freedoms, political and intellectual diversity, freedom of expression and opinion, and the disposal of all types of corruption and mismanagement.

Consequently, in light of the recent events, we call on the parties to exercise self-restraint and help to bring about a positive ambiance to achieve reconciliation and national unity. We call on the PA to give up all procedures of arrests and to immediately release all the detainees and to revoke house arrests against a number of public figures.

It is in the interest of the PA to explore the possibilities of reconciliation and amendment of internal political affairs that evoke public complaint. The safety of the internal national house is as important

as the right of freedom of expression and democracy that are the foundation for a national unity that can survive all the difficult conditions.



**STATEMENT IN SUPPORT OF THE PALESTINIAN SIGNATORIES
OF THE PETITION OF THE TWENTY, 1 DECEMBER 1999**

[The arrests of the signatories prompted international protest from human rights and other organizations as well as a statement launched in the Diaspora and circulated via the Internet that garnered over 1,500 signatures, mostly from Palestinian intellectuals, incl. Edward W. Said, Hisham Sharabi, Rashid Khalidi, and Naseer Aruri.]

We, the undersigned, condemn in the strongest terms the arrests by the Palestinian Authority of Palestinian citizens, signatories of a statement expressing their alarm about corruption in the Palestinian Authority and the failure of the Oslo accords to secure the minimum of the Palestinian people's rights. Those arrested should be released immediately, and all proceedings against the signatories should be halted immediately.

The arrests are a totally unjustifiable attack on the freedom of expression, which should be guaranteed to every person. While carrying out these arrests, the Palestinian Authority is using the mantle of nationalism and the language of unity to stifle legitimate and necessary criticism and debate. Such repressive measures only harm the Palestinian people and help their enemies, who point to the lack of democracy as evidence that Palestinians are incapable of governing themselves and to the abuse of human rights by the Authority as an excuse for their own abuses.

The statement rightly argues that continued widespread corruption and abuse of power threaten to stifle Palestinian civil society from within. It correctly notes that the agreements so far signed with Israel have utterly failed to secure Palestinian rights or to stop the continued assault on the Palestinian people from without

We affirm in conclusion that Palestinian national aspirations cannot be achieved in the absence of a fully democratic and open political system and that no agreements signed with Israel will be legitimate unless they represent a genuine, broad-based national consensus. Hence, new free and fair elections are an urgent requirement.



**US SECRETARY OF STATE MADELEINE ALBRIGHT, STATEMENT AT THE
OPENING PLENARY OF THE MULTILATERAL STEERING GROUP
(MIDDLE EAST PEACE), MOSCOW, 1 FEBRUARY 2000**

Foreign Minister Ivanov, distinguished colleagues, I am pleased to be here in Moscow where we have important business to conduct.

This is evidenced by the fact that our Russian friends have been trying to convene this meeting for four years. That they have succeeded now reflects well on Foreign Minister Ivanov's persuasiveness, and on the improved prospects for progress towards a comprehensive Middle East peace.

Your presence here is a sign that the parties are not alone in their desire to travel the road to peace. Their efforts are supported broadly. We want them to succeed. We will help them along the way. And we will do all we can to see that the benefits of peace are felt by people throughout the region.

We have three principal objectives:

First, to craft a strong joint statement in support of the Madrid process, stressing the importance of forward movement on all tracks.

Second, to endorse dates and venues for working group plenary meetings on water, the environment, refugees, and regional economic development; and

Third, to consider new directions for the multilateral track, in terms of both content and structure, to ensure that it continues to meet the needs of regional parties. I look forward to a productive discussion on this subject later this morning.

I do not have to tell any of you about the importance of this meeting. It is the first ministerial on the multilateral track in eight years. By reviving this track by our actions today, we fulfill a vital part of the bold vision of Madrid.

Of course, our efforts here can not take the place of the bilateral track. If we are to transform the landscape of the region, the bilateral tracks must succeed. And while there are inevitably problems and difficulties in negotiating such agreements, we believe the desire for peace is real.

Certainly the logic of peace has never been more compelling, nor the opportunity for peace so clear. It is essential that this priceless opportunity be seized, not squandered.

Ultimately, only the parties can make the fateful decisions for peace on the bilateral tracks. We can and will do all we can to support their efforts and their decisions.

We will also do all we can to move the multilateral process forward. For this is a track that can make a real difference to those who live in the region.

Consider that under the umbrella of the multilaterals, four economic summits have led thousands of business executives to consider the benefits of investing in a post-peace Middle East.

Palestinian refugees are being trained in advanced computer technologies.

A research center for water desalinization technology has opened in Oman.

Officials have laid plans for a network of regional security centers from Tunis to Amman to Doha.

And environmental officials are looking for ways to prevent desertification and curb the harmful effects of pesticides.

Despite all this, it has not been easy keeping the momentum going.

Of course there is a relationship between the multilaterals and the overall political environment. In our view, this work is too important to be turned on and off like a light switch. It requires steady and sustained effort to prepare the ground.

And it must be understood for what it is and what it is not. This track is not a favor to one party over the others. It is a process for regional cooperation that will benefit all the people of the region regardless of where they live, how they worship, or what they call themselves.

All the legs of the Madrid process need to be strengthened. This week, here in Moscow, we have our chance to strengthen the multilateral leg. We must take full advantage of this chance.

For today, there is no doubt about the right roadmap to reconciliation in the Middle East. It is based on the principle of land for peace. It was laid out at Madrid, and then more clearly at Oslo and in the agreements since.

The parties all have hard choices to make, but there truly is no better time to make them than now, no better year to move forward than this.

But we, too, have hard choices to make. We can sit on the sidelines and wait while opportunity after opportunity passes by the Middle East without stopping. We can watch this region of promise fall further behind and grow further apart. Or we can come together and do our part to assist the parties in building a comprehensive and lasting peace for the benefit of all.

President Clinton has made clear that the choice of the United States is to help build peace and bring opportunity. To those ends, we ask your continued help. And look for a very productive session here in Moscow today.



BASIC AGREEMENT BETWEEN THE HOLY SEE AND THE PALESTINE LIBERATION ORGANIZATION, VATICAN, 15 FEBRUARY 2000

Preamble

The Holy See, the Sovereign Authority of the Catholic Church, and the Palestine Liberation Organization (hereinafter: PLO), the Representative of the Palestinian People working for the benefit and on behalf of the Palestinian Authority:

Deeply aware of the special significance of the Holy Land, which is *inter alia* a privileged space for inter-religious dialogue between the followers of the three monotheistic religions;

Having reviewed the history and development of the relations between the Holy See and the Palestinian people, including the working contacts and the subsequent establishment - on October 26, 1994 - of official relations between the Holy See and the PLO;

Recalling and confirming the establishment of the Bilateral Permanent Working Commission to identify, study and address issues of common interest between the two Parties;

Reaffirming the need to achieve a just and comprehensive peace in the Middle East, so that all its nations live as good neighbors and work together to achieve development and prosperity for the entire region and all its inhabitants;

Calling for a peaceful solution of the Palestinian-Israeli conflict, which would realize the inalienable national legitimate rights and aspirations of the Palestinian people, to be reached through negotiation and agreement, in order to ensure peace and security for all peoples of the region on the basis of international law, relevant United Nations and its Security Council resolutions, justice and equity;

Declaring that an equitable solution for the issue of Jerusalem, based on international resolutions, is fundamental for a just and lasting peace in the Middle East, and that unilateral decisions and actions altering the specific character and status of Jerusalem are morally and legally unacceptable;

Calling, therefore, for a special statute for Jerusalem, internationally guaranteed, which should safeguard the following: a. Freedom of religion and conscience for all b. The equality before the law of the three monotheistic religions and their institutions and followers in the City; c. The proper identity and sacred character of the City and its universally significant, religious and cultural heritage; d. The Holy Places, the freedom of access to them and of worship in them. e. The Regime of "Status Quo" in those Holy Places where it applies;

Recognizing that Palestinians irrespective of their religious affiliation are equal members of Palestinian society;

Concluding that the achievements of the aforementioned Bilateral Permanent Working Commission now amount to appropriate matter for a first and Basic Agreement, which should provide a solid and lasting foundation for the continued development of their present and future relations, and for the furtherance of the Commission's on-going task,

Agree on the following Articles:

Article 1:

Paragraph 1:

The PLO affirms its permanent commitment to uphold and observe the human right to freedom of religion and conscience, as stated in the Universal Declaration of Human Rights and in other international instruments relative to its application.

Paragraph 2:

The Holy See affirms the commitment of the Catholic Church to support this right and states once more the respect that the Catholic Church has for the followers of other religions.

Article 2:

Paragraph 1:

The Parties are committed to appropriate cooperation in promoting respect for human rights, individual and collective, in combating all forms of discrimination and threats to human life and dignity, as well as to the promotion of understanding and harmony between nations and communities,

Paragraph 2:

The Parties will continue to encourage inter-religious dialogue for the promotion of better understanding between people of different religions.

Article 3:

The PLO will ensure and protect in Palestinian Law the equality of human and civil rights of all citizens, including specifically, inter alia, their freedom from discrimination, individually or collectively, on the ground of religious affiliation, belief or practice.

Article 4:

The regime of the "Status Quo" will be maintained and observed in those Christian Holy Places where it applies.

Article 5:

The PLO recognizes the freedom of the Catholic Church to exercise her rights to carry out, through the necessary means, her functions and traditions, such as those that are spiritual, religious, moral, charitable, educational and cultural.

Article 6:

The PLO recognizes the rights of the Catholic Church in economic, legal and fiscal matters: these rights being exercised in harmony with the rights of the Palestinian authorities in these fields.

Article 7:

Full effect will be given in Palestinian Law to the legal personality of the Catholic Church and of the canonical legal persons.

Article 8:

The provisions of this Agreement are without prejudice to any agreement hitherto in force between either Party and any other party.

Article 9:

The Bilateral Permanent Working Commission, in accordance with such instructions as may be given by the respective Authorities of the two Parties, may propose further ways to address items of this Agreement.

Article 10:

Should any controversy arise regarding the interpretation or the application of provisions of the present Agreement, the Parties will resolve it by way of mutual consultation.

Article 11:

Done in two original copies in the English and Arabic languages, both texts being equally authentic. In case of divergency, the English text shall prevail.

Article 12:

This Agreement shall enter into force from the moment of its signature by the two Parties.



**ISRAELI GOVERNMENT, RESOLUTION REGARDING THE
REDEPLOYMENT FROM LEBANON, 5 MARCH 2000**

[A major promise made by PM Barak during his election campaign was to remove the army from Lebanon within a year. On 5 March, the cabinet adopted his plan and decided to pull out of Lebanon.]

In accordance with the government's commitment on the basis of its guidelines and the announcement by the Prime Minister and Minister of Defense:

- a. The Israel Defense Forces will deploy on the border with Lebanon by July 2000, and from there will secure the safety of the northern towns and villages.
- b. The government will act to ensure that this deployment will be carried out in the framework of an agreement.
- c. In the event that conditions will not be conducive to IDF deployment in the framework of an agreement, the government will convene, at an appropriate time, to discuss the method of implementation of the above-mentioned decision.
- d. Israel will honor its commitment toward the South Lebanese Army and the civil aid forces in Southern Lebanon.
- e. The government will act to strengthen the frontline towns and villages in both the security and the socio-economic aspects.



**ISRAELI CABINET, STATEMENT REGARDING THE
REDEPLOYMENT IN THE WEST BANK, 19 MARCH 2000**

[The redeployment was implemented two days after the Israeli cabinet approval.]

At its weekly meeting today (Sunday), 19.3.2000, the Cabinet approved the maps for the redeployment from 6.1% of Judea and Samaria, as they were presented by the IDF. The vote was 16 in favor, 6 opposed and 1 abstention.

5.1% of Area B will become Area A and 1% of Area C will become Area A. The transfer of authority for these areas to the Palestinian Authority will take place on Tuesday, 21.3.2000.



**HIS HOLINESS POPE JOHN PAUL II, SPEECH AT
DHEISHEH REFUGEE CAMP, BETHLEHEM, 22 MARCH 2000**

Mr. President, Dear Palestinian people,

1. It is important to me that my pilgrimage to the birthplace of Jesus Christ, on this the two thousandth anniversary of that extraordinary event, includes this visit to Dheisheh. It is deeply significant that here, close to Bethlehem, I am meeting you, refugees and displaced persons, and representatives of the organizations and agencies involved in a true mission of mercy. Throughout my pontificate I have felt close to the Palestinian people in their sufferings.

I greet each one of you, and I hope and pray that my visit will bring some comfort in your difficult situation. Please God it will help to draw attention to your continuing plight. You have been deprived of many things which represent basic needs of the human person: proper housing, health care, education and work. Above all you bear the sad memory of what you were forced to leave behind, not just material possessions, but your freedom, the closeness of relatives, and the familiar surroundings and cultural traditions which nourished your personal and family life. It is true that much is being done here in Dheisheh and in other camps to respond to your needs, especially through the *United Nations Relief and Works Agency*. I am particularly pleased at the effectiveness of the presence of the *Pontifical Mission for Palestine* and many other Catholic organizations. But there is still much to be done.

2. The degrading conditions in which refugees often have to live; the continuation over long periods of situations that are barely tolerable in emergencies or for a brief time of transit; the fact that displaced persons are obliged to remain for years in settlement camps: these are the measure of the urgent need for a just solution to the underlying causes of the problem. Only a resolute effort on the part of leaders in the Middle East and in the international community as a whole – inspired by a higher vision of politics as service of the common good – can remove the causes of your present situation. My appeal is for greater international solidarity and the political will to meet this challenge. I plead with all who are sincerely working for justice and peace not to lose heart. I appeal to political leaders to implement agreements already arrived at, and to go forward towards the peace for which all reasonable men and women yearn, to the justice to which they have an inalienable right.
3. Dear young people, continue to strive through education to take your rightful place in society, despite the difficulties and handicaps that you have to face because of your refugee status. The Catholic Church is particularly happy to serve the noble cause of education through the extremely valuable work of Bethlehem University, founded as a sequel to the visit of my predecessor Pope Paul VI in 1964.

Dear brothers and sisters, dear refugees, do not think that your present condition makes you any less important in God's eyes! Never forget your dignity as his children! Here at Bethlehem the Divine Child was laid in a manger in a stable; shepherds from the nearby fields were the first to receive the heavenly message of peace and hope for the world. God's design was fulfilled in the midst of humility and poverty. Probably the pastors and shepherds of Bethlehem were your predecessors, your ancestors.

Dear aid workers and volunteers, believe in the task that you are fulfilling! Genuine and practical solidarity with those in need is not a favour conceded, it is a demand of our shared humanity and a recognition of the dignity of every human being.

Let us all turn with confidence to the Lord, asking him to inspire those in a position of responsibility to promote justice, security and peace, without delay and in an eminently practical way.

The Church, through her social and charitable organizations, will continue to be at your side and will continue to plead your cause before the world. God bless you all!



PALESTINIAN INTELLECTUALS, "MESSAGE TO THE ISRAELI AND JEWISH PUBLIC," MARCH 2000

[This open letter was signed by some 130 prominent Palestinian intellectuals and academics, including Haidar Abdul Shafi, George Abed, Ziad Abu Amr, Naseer Aruri, Hanan Ashrawi, Fawzi Asmar, Kamal Boullata, Bishara Doumani, George Giacaman, Khalil Jahshan, Zahira Kamal, Camille Mansour, Fouad Moughrabi, Hisham Sharabi, Raji Sourani, and Salim Tamari.]

We, the undersigned Palestinian intellectuals, address to the Israeli and Jewish public this message clarifying our point of view on the current peace process. We are concerned that what is being contrived is not peace but the seeds of future wars. The majority of Palestinians, including the undersigned, believed that the time was ripe for concluding with the Israelis a historic agreement that

would allow us to live together finally in peace in one land, despite the injustice, suffering, and dispossession inflicted on us over the decades by the Israeli side.

The majority of Palestinians believed that peace would be based on two principles: justice and the requirements of a common future. What we are witnessing in reality is far from these principles. One side believes that the present balance of power is in its favor and that it can impose a humiliating agreement on the other side, forcing it to accept virtually anything it chooses to enforce. The historic settlement is becoming a settlement between Israelis themselves, not a settlement with the Palestinians. It is a settlement that suffocates the Palestinians humanly, territorially, security-wise and politically: humanly, because it does not recognize their human and historical rights; territorially, because it isolates them within confined areas in towns and villages while progressively confiscating their land; security-wise, because it places Israeli security in principle over and above Palestinian rights, existence, and security; politically, because it prevents Palestinians from determining their future and controlling their borders.

We believe we express the deepest convictions of our people when we openly confront you with these realities. You will have to choose between a settlement that is imposed by a balance of forces overwhelmingly favoring your government and your military and one that is just, that will favor both Israelis and Palestinians, and that will provide the basis for long-term coexistence on the same land. We are placing the choice in your hands.

We state, in all clarity, that we see only two solutions for a just settlement of the Palestine question. The first solution is based on the establishment of a Palestinian state, with complete sovereignty over the lands occupied by Israel in 1967 and Jerusalem as its capital; the right of return for Palestinian refugees; and the recognition by Israel of the historic injustice inflicted on the Palestinian people. The Palestinian state will be established on the principles of democracy and human values adopted by the Palestinian Declaration of Independence in 1988.

The second solution is the establishment of one democratic binational state for the two peoples on the historic land of Palestine. It is clear that the Palestinian negotiator, whose hands are tied by the overwhelming balance of power working against him, may be coerced into accepting a humiliating and degrading settlement that will lead to neither of these two solutions. History abounds with examples of nations that were coerced into settlements they did not support and which ended in catastrophe for all parties.

We address this message, first and foremost, to those Israelis who believe in the values of justice and equity and to all those who aspire for peace for the world over. We want to tell them that the settlement the Israeli leadership is seeking to impose on the Palestinian negotiator could not be a settlement with the Palestinian people. It will be a fragile settlement bearing within it the seeds of its own destruction. We will neither support nor accept it.

We extend our hand to you to make a real and just peace, not the militarist peace of coercion, the generals' peace.



**MINISTERS OF FOREIGN AFFAIRS OF THE MOVEMENT OF THE
NON-ALIGNED COUNTRIES, FINAL DOCUMENT, 13TH MINISTERIAL CONFERENCE,
CARTAGENA, 8-9 APRIL 2000 [EXCERPTS]**

CHAPTER II: ANALYSIS OF THE INTERNATIONAL SITUATION

PALESTINE AND THE MIDDLE EAST

Palestine

109. We reaffirm the positions taken by the XII Summit in Durban on the Question of Palestine and the Situation in the Middle East. We unequivocally support the inalienable rights of the Palestin-

ian people, including the right to return to their homeland and to have their own independent State with Jerusalem as its capital, and we reiterate our demand for the withdrawal of Israel, the occupying Power, from all of the Occupied Palestinian Territory, including Jerusalem, and the other Arab territories occupied since 1967. We call for the implementation of all United Nations resolutions on the question of Palestine, and reaffirm the permanent responsibility of the United Nations towards the question of Palestine until it is effectively solved in all its aspects.

110. We reaffirm the Movement's position on Occupied East Jerusalem, including on illegal Israeli actions aimed at changing the legal status and demographic composition of the city, the illegal Israeli settlements and the applicability of the Fourth Geneva Convention of 1949 to all the Occupied Palestinian Territory, including Jerusalem. We demand that Israel, the occupying Power, implement Security Council resolutions in this regard and abide by its legal obligations. We welcome the convening of the conference of the High Contracting Parties to the Fourth Geneva Convention on Measures to Enforce the Convention in the Occupied Palestinian Territory, including Jerusalem on 15 July 1999, as recommended by the resolutions of the 10th Emergency Special Session of the General Assembly. We further welcome the important statement by the Conference, which reaffirms the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory, including Jerusalem, and we reiterate support for the reconvening of the Conference should the need arise. We reiterate that Israeli representation in the work of the General Assembly must be in conformity with international law, thus ensuring that Israeli credentials do not cover the territories occupied since 1967, including Jerusalem. We urge that meetings of international organisations shall not be convened in occupied Jerusalem. We reaffirm our support for the Bethlehem 2000 Project in the Palestinian city of Bethlehem and express confidence that the increased assistance and engagement of the international community will ensure the successful commemoration of the event.

Syrian Golan

111. We reaffirm that all measures and actions taken, or to be taken by Israel, the occupying power, such as its illegal decision of 14 December 1981 that purports to alter the legal, physical and demographic status of the occupied Syrian Golan and its institutional structure, as well as the Israeli measures to apply its jurisdiction and administration there, are null and void. We also reaffirm that all such measures and actions constitute a flagrant violation of international law, international conventions, the Charter and decisions of the United Nations, particularly Security Council resolution 497 (1981), the Fourth Geneva Convention of 12 August 1949 on the protection of civilians in time of war, and the defiance of will of the international community. We demand that Israel comply with Security Council resolution 497 (1981) and withdraw fully from the occupied Syrian Golan, to the lines of 4 June 1967, in implementation of Security Council resolutions 242 and 338, and that Israel adheres to the Madrid terms of reference based on the principle of land for peace, which are in their entirety considered to be a primary and basic element in the negotiation process that should be adhered to, including the immediate commencement of the demarcation of the 4 June 1967 line.
112. We reaffirm our unwavering support and solidarity with the Syrian just demand and rights to restore the full Syrian sovereignty over the occupied Syrian Golan on the basis of the terms of reference of the Madrid peace process, the decisions of the international legitimacy, as well as the principle of land for peace. We demand that Israel respect all commitments and pledges it entered into with the aim of laying down the basis for a substantive progress on the Syrian-Israeli track.

Lebanon

113. While expressing our deep concern over the continued Israeli aggression against Lebanon, and the ensuing illegal detainment of Lebanese nationals, loss of civilian lives and extensive destruction of property and infrastructure, we call on Israel to withdraw immediately, completely and unconditionally from South Lebanon and the Western Bekaa to the internationally recognised boundaries in compliance with Security Council resolutions 425 (1978) and 426 (1978) and to fully and strictly respect the territorial integrity, sovereignty and political independence of Lebanon. We also maintain that any conditions put forward by Israel for the implementation of resolution 425 (1978) would alter its legal and political structure and are hence unacceptable.

The Peace Process

114. We reaffirm the need to achieve comprehensive, just and lasting peace in the Middle East. We affirm our determination to actively strive towards the attainment of this objective. We reiterate our support for the Middle East Peace Process based on Security Council resolutions 242, 338 and 425 and the principle of land for peace. We further reiterate the need for compliance with and implementation of the agreements reached between the Palestine Liberation Organisation and Israel as well as the fulfilment of the commitments and pledges made in accordance with the terms of reference of the Madrid Conference and the ensuing negotiations. We reiterate the need to fully respect and adhere to the September 2000 deadline set for the achievement of the final settlement. In this context we believe that the United Nations Millennium Summit should serve as an additional and natural deadline in which Palestine should participate as a UN Member State. We express our grave concern over the current state of affairs in the peace process, particularly the recent disruption of this process on the Syrian and Lebanese tracks. In this regard, we consider the attempts by the Israeli Government to change the terms of reference of the peace process and create a new reality on the ground, as well as its failure to give priority to the core questions, to be an obstacle on the way of realisation of peace.
115. In view of the urgency and seriousness of the situation, we request the Non-Aligned Movement Countries to increase pressure and use all available measures on regional and international level to ensure Israel's compliance with the terms of reference of the Madrid Conference and the principle of land for peace and Israel's full implementation of all agreements, undertakings, and commitments reached by the concerned parties on all tracks during the peace talks. We also affirm that the failure by the Israeli Government to respond positively would require the Non-Aligned Movement Members to take further appropriate measures.



**DECLARATION OF THE GROUP OF 77, SOUTH SUMMIT,
HAVANA, 10-14 APRIL 2000 [EXCERPTS]**

1. We, the Heads of State and Government of the member countries of the Group of 77 and China, fully convinced of the imperative need to act in close unity for the primary purpose of working for a peaceful and prosperous world, have gathered here in Havana, for the first-ever South Summit, from 12 to 14 April 2000. [...]
51. We affirm that bringing an end to the Israeli occupation and establishing a comprehensive, just and lasting peace in the Middle East is a prerequisite for economic and social development in the region. We reaffirm our support for the Middle East peace process on the basis of Security Council resolutions 242 (1967), 338 (1973) and 425 (1978) and the principle of land for peace. Peace demands complete Israeli withdrawal from the occupied Palestinian territory, including Jerusalem, and the achievement of a final settlement by the agreed-upon deadline of September 2000, as well as the establishment of the State of Palestine with Jerusalem as its capital. It also demands complete Israeli withdrawal from the occupied Syrian Golan and the demarcation of the 4 June 1967 line, as well as the unconditional withdrawal from South Lebanon and Western Bekaa to the internationally recognized boundaries. We affirm that measures taken by Israel aimed at changing the legal status and the demographic composition of Jerusalem are null and void.



**THE JERUSALEM SABELL DOCUMENT - PRINCIPLES FOR
A JUST PEACE IN PALESTINE-ISRAEL, 15 MAY 2000**

"Seek Peace and Pursue it." (1 Peter 3:11)

In pursuit of peace and out of our faith commitment, Sabeel Ecumenical Liberation Theology Center, Jerusalem has formulated a set of principles by which we, as Palestinian Christians, feel a just, secure, and lasting peace can be achieved.

THEOLOGICAL BASIS

Our faith teaches us that,

1. God, creator and redeemer, loves all people equally (John 3:16, Acts 17:24-28).
2. God demands that justice be done. No enduring peace, security, or reconciliation is possible without the foundation of justice. The demands of justice will not disappear; and the struggle for justice must be pursued diligently and persistently but non-violently (Jeremiah 9:23-24, Isaiah 32:16-17, Romans 12:17-21).
3. The Holy Land is God's gift to Palestinians and Israelis. They must live justly and mercifully and be good stewards of it (Micah 6:8).
4. "Love your neighbor as yourself" is an inclusive principle that must be honored and sought after (Mark 12:31). The Golden Rule continues to apply, "Do to others what you want them to do to you" (Matthew 7:12).
5. Faithfulness to God obliges us to work for justice, peace, forgiveness, reconciliation, and healing (Matthew 5:9, 43-45).

MORAL BASIS

1. We acknowledge the sufferings and injustices committed against Jews by the West, especially those inflicted in the holocaust. Nevertheless, they do not justify the injustices committed against Palestinians. Justice claimed by one people at the expense of another is not justice.
2. Since Israel has, by force, displaced the Palestinians, destroyed their villages and towns, denied them their basic human rights, and illegally dominated and oppressed them, it is morally bound to admit its injustice against the Palestinians and assume responsibility for it.
3. Since Israel acquired by force 77% of the land of Palestine in 1948, approximately 20% more than the United Nations had allotted, and established its state there, it is moral and right for Israel to return the whole of the areas captured in 1967, i.e. the Gaza Strip and West Bank, including East Jerusalem, to the millions of Palestinians who need their own small sovereign state.
4. Israel's 'Law of Return' which allows any Jewish person to immigrate to Israel while denying Palestinians the right of return to their homeland is immoral and discriminatory.
5. Sharing the sovereignty of Jerusalem is imperative to a moral and just peace.
6. The ideology of militarism as well as the stockpiling of weapons of mass destruction are morally wrong. They sabotage the spirit and viability of peace and will not provide security either.

LEGAL BASIS: International Legitimacy

The following principles have been affirmed and repeatedly reaffirmed by the international community:

1. Palestinian refugees have the right of return - UN General Assembly Resolution 194.
2. The Gaza Strip and the West Bank, including East Jerusalem, are occupied territories and the Israeli forces must withdraw from them - UN Security Council Resolution 242 and 338 based on the international principle of the inadmissibility of the acquisition of territory by force.
3. The Israeli settlements in the Gaza Strip and West Bank, including East Jerusalem, are illegal. Moreover, it is illegal for the occupying power to transfer its population to, or to change the status of, the occupied territories - Fourth Geneva Convention.
4. East Jerusalem is occupied territory. Israel's unilateral actions to alter the status of Jerusalem are illegal and invalid - UN Security Council Resolutions 252 and 478.
5. Violations of human rights such as home demolitions, land confiscation, torture, revocation of residency rights, restriction of movement, closures, and the monopolization of resources are an insult to the dignity of human beings and contravene international law - United Nations Universal Declaration of Human Rights.

THE PRINCIPLES WHICH SABEEL STANDS FOR:

The people of the region - Palestinians and Israelis - both need and deserve a lasting peace, and security. With peace and security in place, bonds of acceptance and friendship can grow. It is no service to either community to promote a peace which flouts international law, ignores justice, and ultimately cannot endure since this will lead to continued bitterness and violence.

The following principles are therefore, based on international legitimacy. The international community has a responsibility to see that they are fulfilled. Once achieved, the strongest international guarantees must be given to ensure that the people of Palestine and Israel will live in peace and security.

1. Israel must admit that it has committed an injustice against the Palestinian people and must accept responsibility for that. This means that reparation must be paid to all Palestinians who have suffered as a result of the conflict since 1948 whether they are Palestinian citizens of Israel, Palestinians living on the West Bank and the Gaza Strip, or Palestinians living in the Diaspora. The road to healing and reconciliation passes through repentance, forgiveness and redress.
2. The Palestinians must have their own sovereign, independent, and democratic state established on the whole of the Gaza Strip and West Bank, including East Jerusalem. Israel must withdraw to the June 4, 1967 borders. No solution is acceptable if it does not guarantee the Palestinians' and Israelis' right to self-determination, independence, and sovereignty.
3. Jerusalem's sovereignty must be shared by the two states of Palestine and Israel. The city must remain open for Palestinians, Israelis, and all. East Jerusalem can be the capital of Palestine while West Jerusalem can be the capital of Israel. Any agreement must protect the sanctity of the holy places and guarantee the rights of the three religions, Christianity, Islam, and Judaism on an equal basis. All illegal confiscation of land or expansion of areas by Israel within the walled city of Jerusalem since 1967 must be reversed.
4. The right of return to Palestinian refugees must be guaranteed according to international law. All refugees must be fully compensated.
5. All Israeli Jewish settlements on the Gaza Strip and West Bank, including East Jerusalem, are illegal under international law. All the settlements built on Palestinian soil since 1967 must be part of Palestine.
6. Once the principles of an acceptable justice are applied, a peace treaty must be drawn up between the two states of Palestine and Israel guaranteeing the full sovereignty and territorial integrity of each including recognized borders, water rights, and other resources.
7. Furthermore, both states must fully guarantee the respect and protection of the human rights of all their citizens, including freedom of religion, in accordance with all international conventions.

POLITICAL BACKGROUND

In 1948 a grievous injustice was committed by the Zionists (forerunners of the state of Israel) against the Palestinian people. The Zionists acquired by force 77% of the land of Palestine and displaced three quarters of a million Palestinians. Consequently, the state of Israel was declared as a Jewish state. Since then, most of the displaced Palestinians have lived in refugee camps and their national rights have been denied. Despite UN Resolution 194, passed in December 1948 and reaffirmed annually by the UN, Israel has adamantly refused the right of return of Palestinian refugees to their homes. The 150,000 Palestinians who remained within that part of Palestine which became the state of Israel were given Israeli citizenship. However, they have been discriminated against and have been treated as second class citizens.

In 1967, the state of Israel acquired by force the rest of the country of Palestine (the 23%) further displacing approximately 325,000 Palestinians. The Palestinians living in the Gaza Strip and the West Bank came under Israeli military rule. The occupation has been oppressive, brutal, and dehumanizing. Palestinian land has been systematically confiscated, human rights violated, and people systemically humiliated, as documented by a number of international, Israeli, and Palestinian human rights organizations, such as Amnesty International, B'Tselem, LAW and Al-Haq. Furthermore, Israel assumed control of Palestine's water supply (unfairly restricting water to Palestinians and charging them exorbitant prices), began building exclusively Jewish settlements on Palestinian land and, through hundreds of military laws, persisted in its oppression of the Palestinians. As to East Jerusalem, Israel annexed it and, in 1993, closed it and cut it off from the rest of the West Bank and Gaza Strip, thus denying Palestinians the right of access to it. Consequently, even the right to worship in its churches and mosques is obstructed. Moreover, Israel enacted a policy to limit the Palestinian presence in Jerusalem to 27% of the city's population, through demolition of homes, confiscation of land, revocation of Palestinian residency rights as well as other means.

In 1991 at the end of the Gulf War, the peace process was initiated by the United States and Russia. In spite of its initial promise in the Madrid Conference to achieve a just peace, it became, in its Oslo form, an instrument for furthering the injustice. As it evolved, certain portions of the occupied territories were returned by Israel to the Palestinian Authority. By the end of March 2000, only 18.2% of the area of the West Bank has been returned to full Palestinian Authority; 24.7% is under Israeli security and Palestinian civil control. The remaining 57.1% of the West Bank is still under full Israeli control. The areas that have been returned to the Palestinians are not geographically linked together. The Israeli Army controls the highways and major roads throughout the occupied territories, as well as everything below the ground and sky above. It is important to note that in the Gaza Strip, only 60% of the land is under Palestinian control where over a million Palestinians live; while Israel controls the 40% of the Strip for the benefit of 6100 Jewish settlers. Furthermore, some of the 194 Israeli settlements (166 in the West Bank and Gaza Strip and 28 in East Jerusalem - all illegal under international law) have expanded to sizable towns. It is estimated that the number of settlers, including those who live in the settlement ring in and around Jerusalem, is approximately 400,000.

The two sides, Israelis and Palestinians, have more recently been engaged in the final status negotiations which include the thorniest issues, namely, Jerusalem, borders, refugees, water, and settlements.

We feel we are standing at a most important juncture in our history. The United States Government has been working to broker a peace agreement between Israel and Syria as well as to keep alive the negotiations between the Palestinians and the Israelis. Many of us are afraid that what might ensue in Palestine is an unjust peace. We at Sabeel feel we have a Christian responsibility to speak our mind for the sake of a lasting peace that will bring an acceptable justice to the Palestinians and security for all the peoples of our region. We fear that the Palestinian Authority might be forced to accept an unjust peace which will be attractively packaged by the state of Israel and the United States Government. We are, however, sure that an unjust peace will only be temporary and will inevitably plunge our region into greater violence and bloodshed. We will not be silent. We lift our voice prophetically in pointing to the pitfalls of injustice. The following points comprise the different scenarios. We would like to present them clearly with their probable consequences.

THE GREATEST CONCERN: A bantustan state

Taking a good look at the Gaza Strip and the West Bank, it is clear that Israel's eye is focused on the West Bank which includes East Jerusalem. The confiscation of Palestinian land, the building and expansion of the settlements have never stopped. Israel continues to insist that the settlements will remain under Israeli rule. If this is done, Israel will maintain its military presence on the West Bank while allowing the Palestinian Authority to have autonomous rule over its own people. The areas under Palestinian rule will be called Palestine. They will have the semblance of a state but will exist under the suzerainty of Israel and will not enjoy genuine sovereignty. What we are witnessing, therefore, is a bantustan-type state, home rule, just like what was proposed by the former apartheid government of South Africa to its black citizens. From all indications, this is the picture which is emerging on the ground.

If pressured, Israel may even concede the Gaza Strip, where it currently has only 6100 settlers and controls approximately 40% of the land and one third of the water. It might withdraw totally from the Gaza Strip, which now has a damaged aquifer and a serious lack of usable water, and allow the Palestinians to have their sovereign state there. That area will be small and contained in one corner of Palestine and, from Israel's perspective, will, presumably, not pose any serious threat to Israel. On the West Bank, however, the Palestinians will only be given autonomous rule, a homeland, in the guise of a state yet void of actual sovereignty.

This we believe is an unnatural, unhealthy, and unjust scenario and will only lead to a bloodier conflict. History teaches us that oppressed nations will not give up their struggle for freedom and independence. Under this scenario, Israel will not achieve the security it seeks because the forced and unjust peace settlement cannot be permanent.

Sabeel rejects outright this peace formula or any variation of it and warns that its imposition will be ultimately catastrophic for both peoples.

THE GENUINE HOPE: Two sovereign and fully democratic states

This scenario envisages the total withdrawal of Israel from all the occupied territories including East Jerusalem according to United Nations resolutions 242 and 338. The Palestinians will establish their sovereign state on the whole of the 23% of the land of Palestine. One way to redeem the settlements is to make them the new towns for the returning Palestinian refugees. This can constitute a part of Israel's reparations to the Palestinians. Israel must compensate the owners from whom the land was confiscated. The Jewish settlers who choose to remain in Palestine can become Palestinian citizens and live under Palestinian sovereignty.

As to Jerusalem, it will have to be shared. The city must remain open to all. A peace treaty will be drawn up and the two countries will become inter-dependent economically and will help each other develop their resources for the well being of both their peoples.

This is the formula which the Palestinians have been hoping and working for. Indeed, it is not the ideal solution, but it carries within it an acceptable justice which most Palestinians are willing to live with for the sake of peace and prosperity. Furthermore, as this scenario agrees with United Nations resolutions since 1967, it will ensure the support of the international community of nations. This formula gives the Palestinians a state as sovereign as Israel, rids them of the Israeli occupation, and restores to them the whole of the occupied territories of 1967. Indeed, a state within the West Bank and Gaza, composed of only 23% of Palestine instead of the 43% allotted by the UN in 1947, is already a very significant compromise by the Palestinians. The Palestinians would have to give up their right to most of historic Palestine. Obviously, Israel, with the help of the United States and the international community, will have to compensate the Palestinian people.

THE VISION FOR THE FUTURE

Our vision involves two sovereign states, Palestine and Israel, who will enter into a confederation or even a federation, possibly with other neighboring countries and where Jerusalem becomes the federal capital. Indeed, the ideal and best solution has always been to envisage ultimately a bi-national state in Palestine-Israel where people are free and equal, living under a constitutional democracy that protects and guarantees all their rights, responsibilities, and duties without racism or discrimination. One state for two nations and three religions.

STANDING FOR JUSTICE

At every turn, the principle of justice must be upheld. Unless justice is rendered and security is achieved, the solution must be rejected because it will not endure. A just solution must include an equal measure of justice and security for both sides to make it viable. Otherwise it will not lead to a permanent peace. This is the basic principle that must be upheld and used as the measure for every one of the above points.

This is where Sabeel takes its stand. We will stand for justice. We can do no other. Justice alone guarantees a peace that will lead to reconciliation and a life of security and prosperity to all the peoples of our land. By standing on the side of justice, we open ourselves to the work of peace; and working for peace makes us children of God.



**EUROPEAN UNION PRESIDENCY, STATEMENT ON THE
MIDDLE EAST PEACE PROCESS, 22 MAY 2000**

The European Union considers that a real opportunity exists to attain a just, lasting and comprehensive peace in the Middle East, based on the basic principles established within the framework of Madrid. The European Union remains ready to work with the parties to this end.

The European Union deplors the recent escalation of tension and violence that has taken place in the Occupied Territories. The European Union urges all parties concerned to exercise restraint and appeals to Israel and the Palestinian Authority to intensify their efforts with a view to urgently conclud-

ing the framework agreement foreseen in the Sharm-el-Sheikh Memorandum of September 1999 and the permanent status negotiations within the agreed time frame and with the courage and spirit of compromise that they demand. The European Union welcomes the Israeli decision to transfer Abu Dis, Ayzariyah and Suwahirah to full Palestinian control.

The European Union appeals to the parties to refrain from unilateral acts that may prejudice the final negotiated agreements. In this context the European Union expresses particular concern about renewed Israeli settlement activity and road-building, which is contrary to international law and which further complicates the search for solutions. A solution in full conformity with agreement signed regarding Palestinian prisoners detained by Israel should be found.

Reiterating the importance of the Syrian and Lebanese tracks for a comprehensive solution in the region, the European Union urges the parties to stay engaged with a view to the early resumption of negotiations.

Pending a comprehensive solution, the European Union welcomes Israel's decision to withdraw from southern Lebanon in full accordance with United Nations Security Council resolutions 425 (1978) and 426 (1978) and expresses the hope that this move will facilitate reconciliation and rehabilitation in the region. The European Union expresses full support for the efforts of the Secretary-General of the United Nations to ensure implementation of the above-mentioned resolutions. The European Union urges all sides to fully cooperate with the United Nations to this end. In this context, the European Union emphasizes that the safety of the United Nations Interim Force in Lebanon (UNIFIL) and other international personnel on the ground must be respected by all sides at all times.



**AD HOC LIAISON COMMITTEE, "WEST BANK AND GAZA ECONOMIC POLICY
FRAMEWORK PROGRESS REPORT," LISBON, 7-8 JUNE 2000 [EXCERPTS]**

[The report, prepared by the PA in cooperation with the International Monetary Fund, was submitted at the semi-annual meeting of the Ad Hoc Liaison Committee, which coordinates international donor assistance to Palestinians. The report contained unprecedented disclosures by the PA of its commercial and investment activities.]

Discussions on the Economic Policy Framework

10. The overall objective of the Economic Policy Framework (EPF) is to ensure that our economic policies over the coming years make a positive and significant contribution to overcoming the challenges facing the Palestinian economy. We recognize that the most important contribution the PA can make to a significant and sustained improvement in living conditions of the Palestinian people is to address resolutely the obstacles that now stifle private investment and growth. Obviously, some critical impediments to investment and growth—such as a high degree of uncertainty and the costly restrictions on economic activity and trade—are not under our control. At the same time, within the constraints of the current setting, we can significantly improve the climate for investment and private economic activity in the West Bank and Gaza by intensifying our efforts to improve economic management, enhance public infrastructure investment, build strong institutions, establish a modern legal and regulatory framework, and safeguard the soundness of the banking system. Fiscal policy can support economic growth by improving the composition of budgetary expenditure, by ensuring adequate expenditure allocations for the education, health, and judiciary sectors, as well as for new public investment and the operations and maintenance of past investments. While the range of issues that would need to be addressed is broad, the EPF would in its first year focus sharply on policies to strengthen fiscal management, enhance transparency and governance in the PA'S commercial and financial operations, improve banking supervision, and strengthen the legal and regulatory framework. All of these are essential areas to create more favorable conditions for private sector economic activity. We have made good progress

in the discussions with IMF staff on policy measures in these areas, and we actually implemented some of these measures in early 2000 (see below). Of course, reforms in other areas would be undertaken in parallel with the EPF.

11. In order to ensure the credibility and success of the EPF, we have decided to implement some critical policy measures up front, before launching the EPF. The key up front measures that we have identified aim at enhancing economic governance and strengthening public finances. These measures are:
 - (i) to stop the diversion of excise revenue to accounts outside the control of the Ministry of Finance as of 1 January 2000;
 - (ii) to move the Gaza payroll unit from the General Personnel Council (GPC) to the Ministry of Finance;
 - (iii) to make a substantial up-front reduction in budgetary arrears; and
 - (iv) to disclose information on the PA's commercial operations and investments.

On 10 January 2000, President Arafat issued a decree addressing these key issues as well as other issues such as privatization. The decree, which also established the Higher Council for Development and charged it with, inter alia, overseeing the implementation of the above-mentioned reform measures, represents an important orientation of the PA's economic policies. Again, we have been successful in implementing some of the up-front measures, and we hope to implement the remaining ones shortly.

Actions Implemented

12. As of late April, all revenue collected by the Government of Israel on behalf of the PA is transferred directly to the Ministry of Finance, thus ending the practice of revenue diversion. This measure greatly improves governance and transparency in public finances and will go a long way in easing the liquidity problems of the Ministry of Finance.
13. Some of the diverted revenue in the past has been used for recurrent expenditure, but the bulk has been saved or invested in commercial operations, through the Palestinian Commercial Services Company (PCSC), in the West Bank and Gaza and abroad. The PCSC, which is fully owned by the PA, was audited by Saba Company, part of Deloitte Touche Tohmatsu International in February 2000. As of 31 December 1999, the PCSC had assets worth approximately US\$345 million, of which US\$292 million was in the form of equity holdings (Annex 0). The four most valuable holdings—50 percent in the Jericho Resort, 100 percent in the Cement Company, 35 percent in Palcell, and 8 percent in PALTEL—account for about half of the value of the PCSC's total assets, as reported by the PCSC. In 1999, the PCSC made net profits (after provisions) of roughly US\$77 million, of which approximately US\$18 million came from the sale of cement. The profits have been reinvested by the PCSC. It should be recognized that by disclosing this information, including the list in Annex I, we are adopting a policy of openness that is high by international standards. We are now preparing a privatization strategy under which we will gradually phase out the PA's equity holdings and privatize most public enterprises. We are mindful, though, that it would not represent any improvement to simply turn a public monopoly into a private one, and, for that reason, the privatization of some public enterprises will take time and will have to go hand in hand with reforms, including in the legal area, to increase competition in the concerned sector. On the other hand, privatizing minority equity positions in listed companies can and will be done more quickly. The process of elaborating a privatization strategy is already underway. Private sector input into this process has been encouraged and sought, including in the context of two workshops that were held earlier this month with full private-sector representation. The key features of the privatization strategy are expected to be finned up [*sic*] in the light of the deliberations of the national economic forum convened on 30 May 2000.

Actions to be Implemented

14. The establishment of the Palestinian Investment Fund (PIF) is a key element of the Presidential Decree of 10 January 2000. The PIF has been charged with managing all of the PA's assets and commercial activities, in the West Bank and Gaza as well as abroad, and also with executing the PA's privatization strategy once it has been finalized. When the PIF becomes operational, which

should be soon, the PCSC will cease to exist. We are now working with the management consultancy firm Price Waterhouse Coopers to develop the PIF's articles of association in a manner which ensures that the organizational structure and investment guidelines for the fund will conform with the highest international standards for transparency and accountability. As stipulated in the Presidential Decree of 10 January 2000, the PIF will issue all relevant information and annual financial reports covering the full range of the PA's commercial and investment activities and will be audited by an internationally reputed accounting firm. We believe that these measures will significantly increase transparency and improve governance in the PA's financial and commercial operations.

15. In order to better control hiring by the PA, we want to move the Gaza payroll unit from the GPC to the Ministry of Finance, but this measure has proven more difficult to implement than envisaged. The lack of progress in this area has contributed to continued excessive expansion in PA employment in the first four months of 2000. We are determined to make progress on this matter over the coming weeks, and we view this progress, and more generally, the exercise of firm restraint on recruitment, as a critical prerequisite to the successful implementation of an early retirement program. Indeed, if the slippages in recent months were to continue along the trends of recent months, it would entail additional budgetary costs of some NIS 250 million (1.3 percent of GDP) on [an] annual basis, which is clearly unaffordable (see paragraphs 20-21 below).
16. Furthermore, we have not yet been able to make a substantial reduction in the stock of arrears. In fact, the stock rose further during the first three months of 2000, in part because revenue diversion did not end on 1 January as the budget had assumed and, in part, because of the continued expansion in the payroll. These slippages, which need to be addressed before the EPF can be launched, are elaborated on below.

Fiscal Developments in 2000 and the Outlook for the Rest of the Year

17. The budget for 2000 was submitted to the Palestinian Legislative Council (PLC) in November and approved on 27 January. It represents a serious effort to put fiscal policy on a viable path and to move toward a better allocation of resources over the medium term. Its timely preparation, submission, and approval were also a major improvement over the past two years, and it is the first budget to be presented in a medium-term macroeconomic framework. As voted, the budget, which is based on a conservative revenue projection, was fully financed (in contrast to the 1999 budget) and targeted a surplus on the recurrent budget of about 0.5 percent of GDP, allowing a domestic contribution to the development budget.
18. The voted budget was based on the assumption that all arrears would be cleared before the end of 1999 using previously diverted excise revenue and that all revenue would go directly to the budget during 2000. It was also based on the assumption that new recruitment to the PA would be limited to around 2,000 people in the fourth quarter of 1999 and 3,410 in 2000, mostly in the latter part of the year. In the event, the stock of arrears was not eliminated in 1999, excise revenue started to flow to the budget in late April, and PA employment increased much more rapidly in the last quarter of 1999 as well as in the first four months of 2000 than what had been assumed when the budget was prepared.
19. As regards the stock of arrears, a payment of roughly NIS 127 million was made in March. However, the stock increased by around NIS 22 million in the first three months of 2000, to NIS 370 million. The arrears payment was financed with a short-term loan from the Arab Bank, and this should be seen as a strictly exceptional operation. We will pay amortization and interest on this loan from the profits of the commercial operations and not from the budget.
20. The expansion of the PA's payroll represents the largest deviation from the voted budget and is now by far the most serious fiscal problem. PA employment growth in the fourth quarter of 1999 and in the first quarter of 2000 vastly exceeded what had been assumed when the budget was prepared. Roughly 6,000 people were added to the payroll in the fourth quarter of 1999—three times as many as the budget had assumed—and some 4,257 were added in the period January–April 2000, compared with the budget's 3,410 for the year as a whole. Due to the unplanned way in which hiring decisions are still made, very few of those recently recruited are in fact for positions envisaged in the budget, thus leaving genuine demands for employment in the judiciary, health, and education sectors still to be met. Taking into account these demands (including some 2,000 teachers) and employment already in the pipeline, we project PA employment to increase further dur-

ing the rest of 2000 to over 112,500 by the end of the year. The rapid expansion in PA staff not only makes fewer resources available for other important recurrent and capital expenditure, it also makes it exceedingly difficult to ensure adequate remuneration of PA employees, as well as to implement the longstanding reform of the West Bank pension system.

21. The burgeoning payroll has increased the projected wage bill in 2000 by an estimated NIS 244 million, compared with the budget, and has also added somewhat to non-wage expenditure relating to the additional pension contributions the PA has to make. At the same time, the revenue projection has been raised by NIS 67 million to reflect the outcome for 1999 and a modest upward revision to the projection of economic growth. Despite the higher revenue projection, however, and even if we reduce the budgeted contribution to the development budget from NIS 100 million to NIS 50 million, there is now a projected deficit in the budget of NIS 147 million, before taking into account the repayment of arrears and foreign-financed capital expenditure. Including the repayment of arrears would bring the overall financing gap to around NIS 600 million (more than 3 percent of GDP) for the year 2000 as a whole.
22. We are exploring ways to close this gap, recognizing that reductions in non-wage recurrent expenditure must be avoided. In order to stop the gap from growing further, the first order of business has to be to rein in new hiring. To finance the budget gap, we think the most appropriate solution is to use previously diverted revenue and profits from the PA's commercial operations, as well as the purchase tax proceeds once agreement on this matter is finalized with Israel.
23. In closing, we believe we have made considerable progress toward a successful launching of the IMF-monitored economic policy framework, and we are fully determined to implement shortly the actions that remain outstanding. We highly value the extensive assistance provided by IMF staff and the constructive spirit in which it has been rendered, and we look forward to continued close and productive cooperation with them.



PALESTINIAN AUTHORITY, "PATHWAY TOWARD A PALESTINIAN VISION FOR 2005 AND BEYOND," LISBON, 7-8 JUNE 2000 [EXCERPTS]

[The 11-page report was presented to the Ad Hoc Liaison Committee on donor assistance to the Palestinians at their semi-annual meeting in Lisbon, 7-8 June. The following excerpts relate to the preparation of the Palestinian Strategic Development Plan and summarize planning and coordination efforts over the past year.]

Preparing the Palestinian Strategic Development Plan

The PSDP is designed to focus on the strategic allocation of resources within and across sectors, based on agreed-upon economic and social priorities. The PA, in its commitment to integrated, strategic planning toward sustainable development, intends to ensure that the PSDP is developed in the most thorough, participatory manner possible. This will include extensive involvement of PA agencies, district and municipal leaders, the private sector agents, and the civil society insofar as possible, using established techniques for participatory planning. This is the only way to ensure that this critical foundation document will reflect the needs of the Palestinian people, utilize its resources in the most effective manner, and take into account the fundamental strategic considerations that will underlie the Palestinian planning process. The PSDP will provide strategic direction for five years and a preliminary program for the succeeding five years. Specifically, the PSDP will be a comprehensive document that includes:

- A discussion of strategic direction for Palestinian development
- A presentation of the economic framework on which such development will be based for the ten-year period of the PSDP.
- A synthesis of key national policies relevant to development
- Cross-sectoral and sectoral baseline data and information.

- Goals, objectives, key targets/benchmarks and strategies for national cross-sectoral programs, including a presentation of priority areas among [sectors].
- A summary of goals, objectives, key targets/ benchmarks and strategies for sectoral programs, including a presentation of priority areas within the sectors.
- Guidelines for selection criteria to be used by ministries in setting priorities for sectoral programs and projects.

While the PSDP will include gross estimates of the capital and recurrent costs of the plan for the first five years, the PSDP is not intended as a substitute for the PDP [Palestinian Development Plan], which will continue to be updated annually and include specific project and budgetary information.

Since the first presentation of the framework for the PSDP in February 1999, there have been important accomplishments in the Palestinian planning process on which it will build. Several of these are highlighted below.

- Long term plans have been prepared by the Ministry of Agriculture, Ministry of Education, Ministry of the Environment, Ministry of Health, Ministry of Tourism and Antiquities, and by the Palestinian Water Authority. These plans have been developed by the respective public entity to varying degrees in cooperation with relevant NGOs and with involvement of the respective Sector Working Group.
- Since the spring of 1999, Palestinian ministries and other public institutions have been engaged in the process of adapting the Comprehensive Development Framework (CDF) to meet Palestinian development planning needs. The process of preparing CDF sector matrices has served as a catalyst for addressing the interdependence of all elements of development within the sectors, for exploring opportunities for efficient integration of programs and projects, for discussion of relative priorities within these sectors. The resulting documents-several of which are near completion-clearly synthesize development issues and plans at the sectoral level in ten key sectors: basic and secondary education and training, energy, the environment, health, local government, public administration, rural strategy, social protection, transportation, and water and wastewater. To varying degrees, there has been involvement in this process by NGOs and other parts of civil society, with broad consultative fora planned at a later stage. Moreover, existing local aid coordination structures-including, for example, the Sector Working Groups-have been used effectively to discuss CDF sector matrices with the donor community and to engage donors as partners in important sector policy dialogue.
- Several broad-based, policy-oriented initiatives have either begun or have been completed, including, for example, the Macroeconomic Policy Committee (MFC); the Higher National Committee for Institutional Development (HNCID); and cross-sectoral, issue-specific planning activities, such as those related to poverty reduction and gender equality, and regional physical infrastructure, including roads and water.
- Initial work-albeit embryonic-has begun on multisectoral planning. For example, the Ministry of Education, Ministry of Higher Education, and Ministry of Labor have initiated collaboration on planning for human resources development in a Sectorwide Approach (SWA). In education and health, there have been discussions of approaches to services integration related to early childhood development and to school health. By early June, the process of addressing additional cross-sectoral issues, policies, and programs will be underway in the education and health sectors and will be initiated in at least two other sectors (most likely industry and the environment). MOPIC (the Ministry of Planning and International Cooperation) is currently coordinating the preparation of a rural development strategy with several key ministries and NGOs. In the critical area of child development, MOPIC has worked with more than a dozen ministries and numerous NGOs to prepare a national plan for child development.

The PSDP will both build upon these planning achievements and others in the public and private sectors (including, for example, evaluation reports of existing programs and projects) and will in the future inform these and other policy development and planning processes. It is critical that throughout this process, the coordination that has been initiated between and among ministries, relevant NGOs,

the private sector, district and municipal governments, and donors continues. The various venues that have been in place since the establishment of the PA (e.g., NoO committees [*sic*] advising ministries, Sector Working Groups) and those that are more recent (e.g., the Macroeconomic Policy Committee and the Higher National Committee for Institutional Development) will be important sources of information and dialogue for the PSDP preparation process.



AMERICAN "NON-PAPER" ON THE ISRAEL-PALESTINIAN STOCKHOLM NEGOTIATIONS, JUNE 2000

[Published in Yedi'ot Aharonot on 23 June 2000, this paper was reportedly prepared by the Clinton Admin. on the Israeli and Palestinian positions arrived at during the secret talks in Stockholm. The plan was leaked to the Israeli press, reportedly either by Ariel Sharon (Likud) or Natan Sharansky (Yisrael Ba'Aliya). The US declared that the plan was unofficial and contained inaccuracies.]

1. *Jordan River and Bridges.* Under Palestinian sovereignty, but an international observer force, which will include a large Israeli unit, will be stationed there. The Palestinians have proposed UN forces instead of the above force.
2. *Jordan Valley.* Under Palestinian sovereignty, but Israel leases it under a long-term lease (the Palestinians have yet to agree to this). Likewise, it will be agreed in advance that in the case of an Arab attack from the east, Israeli military forces stationed in Beit Shean and Ma'ale Adumim can redeploy to three to four areas in the valley without requiring Palestinian consent.
3. *Right of Return.* We have the apparatus and the programs. The problem is solved for all practical purposes. We have a vague wording that meets Arab demands for the right of return, but it will be so limited in numbers and additional limitations that it will not have any real significance such that it will meet the needs of the Palestinians without causing concern to Israel.
4. *Jerusalem.* The Prime Minister [Barak] is still torn between the "interim agreement" approach of [Haim] Ramon and the alternative approach proposed by [Shlomo] Ben-Ami and [Oded] Eran. There has, however, been progress in convincing the Prime Minister that an interim solution of the eastern Jerusalem issue by classifying it as a kind of area B will not suffice. Barak is beginning to understand that the people of Israel are ripe for a permanent agreement within which there is the transfer of Arab neighborhoods to Palestinian sovereignty with the annexation of Jewish areas by Israel. This will improve the demographic balance. It should also be understood that it is impossible to call an agreement that leaves the problem of Jerusalem unresolved as "an agreement ending the conflict" Everyone, even (Minister) Yitzhak Levy [NRP], understands that in the end it will be necessary to draw new borders-so why not deal with this reality now? In any case, this matter requires a Knesset vote in accordance with the law ("Kahalani Law" {Golan Law}), which sets that the transfer of territory subject to Israeli law, jurisprudence, and sovereignty requires a sixty-one MK majority and a national referendum.
5. *Land Swap.* The prime minister still virulently opposes this, but [U.S. Ambassador Martin] Indyk believes that Barak will have to reassess his position if he wants to reach an agreement. The swapping of territory is difficult to implement in accordance with Israeli law and may open a Pandora's box, but the negotiators understand that without it the chances of reaching an agreement are slim. [Muhammad] Dahlan [head of the Preventive Security Force in Gaza] says that if there is a land swap the Palestinians would be prepared to accept settlement blocs covering 4 percent of the area of the [West] Bank.
6. *National Referendum.* The United States receives the internal polls done by the prime minister according to which Barak can attain a 72-75 percent majority for an agreement with three elements: an end to the Palestinian-Israeli dispute; leaving most settlers under Israeli sovereignty; leaving Jerusalem under Israeli sovereignty. A national referendum will be carried out according to the French example [of 1962], when de Gaulle won a national referendum [on withdrawal from Algeria] after he declared that "a vote against the national referendum is a vote against me, and if I lose I will resign."

7. Financial Aid from Overseas.
 - *Refugees.* Over \$100 billion will be invested in the rehabilitation of refugees over the course of ten to twenty years according to the following breakdown: \$40 billion for the Palestinians, \$40 billion for Jordan, \$10 billion for Lebanon, and \$10 billion for Syria. The funds, of which 25 percent is American, will go to a new international body (and not the World Bank or the IMF) that will replace UNRWA [that today deals with the Palestinian refugees]. This body will transfer the funds for collective and individual compensation.
 - *Israel's Security.* Israel will receive less than the \$17 billion it asked for, for leaving the Golan but not much less than that. The aid will include the main elements of the Golan package that were not specifically earmarked to the Golan as well as funding for the erection of fences and additional costs directly associated with the agreement in the West Bank and Gaza.
 - *Palestinian Infrastructure.* The amount of aid for the establishment of a new state is not set. The allocation of less than \$5 billion for water infrastructure over a twenty-year period is not a serious problem.
8. *Settlers Not in Settlement Blocs.* We are struggling for the rights of the 40,000 settlers living outside of the settlement blocs to remain in their homes under Palestinian sovereignty-if they so desire. There is still no answer to the question as to if it is possible to get Palestinian agreement on this matter. It is also true that the continued presence of settlers in the area transferred to the Palestinians is likely to be a land mine that will explode the agreement.
9. *The Paper.* The parties developed a joint "nonpaper" in Stockholm, but the Palestinians later claimed that it only represents the Israeli position. This paper will be the opening point of the summit.



REPORT OF THE SECOND SESSION OF THE COUNCIL OF THE PARLIAMENTARY UNION OF THE OIC MEMBER STATES, CAIRO, EGYPT, 3-4 JULY 2000 [EXCERPTS]

At the invitation of the Egyptian People's Assembly;

1. The inaugural session of the Second Session of the Council of the Parliamentary Union of the OIC Member States was held at the headquarters of the Egyptian People's Assembly in Cairo on Monday 1 Rabi' el Thani 1421 H/ 3 July 2000. The Heads and Members of the Parliamentary delegations attended.

[...]

3. The Inaugural Session was attended by:
 - i- His Eminence Dr. Mohamed Sayyed Tantawi, Grand Imam of El Azhar.
 - ii- H.E. Dr. Ahmed Esmat Abdel Meguid, Secretary General of the League of Arab States.
 - iii- H.E. Dr. Mustafa Kamal Helmi, Speaker of the Egyptian Shoura Council.
 - iv- H.E. Mr. Kamal El Shazli, Minister of State for the affairs of the People's Assembly and Shoura Council in the Arab Republic of Egypt.
 - v- H.E. Dr. Amal Othman, Vice-Speaker of the Egyptian People's Assembly.
 - vi- H.E. Ambassador Ibrahim Auf, Secretary General of the Union and H.E. Ambassador Mohammad Peyrovi, Assistant Secretary General of the Union.

[...]

10. H.E. Dr. Ahmed Fathi Surour, Chairman of the Second Council Session delivered his speech in which:
 - i- He welcomed the Heads and Members of Parliamentary delegations to the Islamic country of Egypt and thanked them for their valuable confidence for choosing him as Chairman of the Second Session of the Parliamentary Union of the OIC Member States.
 - ii- He referred to the role that would be played by the Islamic conference in the light of successive regional and international developments. He emphasized the importance of the Parliamentary Union of the OIC Member States as the second tributary organization after the Organization of Islamic Conference in promoting mutual understanding between the Islamic peoples. One of the

main responsibilities would be to mobilize Islamic energy and will for consultation and insistence on Islamic cooperation.

- iii- He said that the Israeli withdrawal was a crowning success for the will of the Arab and Islamic peoples to freedom and independence.
- iv- He called for continued support of the Palestinian National Authority in the forthcoming negotiations, to recover the Palestinian territories with Jerusalem as its capital. He also urged resistance to the Judaization of Jerusalem. He said that Israel should abide by Security Council Resolutions 465, 476 and 478 of 1980 which all declare null and void the Israeli law that provides for the annexation of Jerusalem and making it the unified capital of Israel. He also called on the participants to agree on a mechanism for cooperation and coordination between the Council and the Jerusalem committee that was formed in 1975 to protect the Holy City and preserve its Arab and Islamic character. In this connection he expressed the hope that a Palestinian State would be declared, as it already existed.
- v- He called for Israeli withdrawal from all the Arab territories in the Syrian Golan Heights and Lebanese Shabaa' farms in accordance with the relevant UN resolutions.
- vi- He called for the completion of the rules and statutes of the parliamentary Union of Member States in the OIC, so that it could play its part effectively.

[...]

21. The Chairman requested each of the three geographical groups, the Arab, African and Asian Groups to propose two members to take part in the Drafting Committee and to give their names to the Secretary General. The Committee would meet the next day to present the draft communiqué for consideration at the evening session, as the morning session would be devoted to the discussion of the three papers submitted by the Egyptian Inter-parliamentary Group on the following subjects:

- i- Peace and Stability in the Middle East and the Formulation of a Parliamentary Strategy to safeguard the Holy city of Jerusalem.
- ii- Economic Cooperation Among Islamic countries and addressing economic challenges, particularly the debt problem, technology transfer and the implementation of world trade agreement,
- iii- A Joint Islamic view on Dialogue Among Civilizations. [...]

22. The representatives of eighteen States discussed the following topics:

First: They warned of the grave situation in Jerusalem and Israel's constant attempts to judaize the city and change its geographical and demographic features and the aggressions on the Islamic and Christian holy places. They called for Islamic solidarity and cooperation to persuade the international community to bring pressure to bear on Israel, so that it would stop its illegal practices in the Holy City and implement the relevant international resolutions.

Second: They insisted on Israeli withdrawal from all the occupied Arab territories in the Syrian Golan Heights until the June 4th borders, the Palestinian territories, and the Shabaa farms in Lebanon and called for the implementation of the relevant resolutions that affirmed international legitimacy. In this connection the speakers hailed the struggle of the Lebanese people who had liberated their occupied territories in the South. [...]



US PRESIDENT BILL CLINTON, STATEMENT ON THE ANNOUNCEMENT OF THE CAMP DAVID SUMMIT, 5 JULY 2000

Good morning. Early next week, Prime Minister Barak and Chairman Arafat will come to Camp David at my invitation. A few days before that, their negotiators will arrive to help pave the way for this summit. The objective is to reach an agreement on the core issues that have fueled a half-century of conflict between Israelis and Palestinians.

After lengthy discussion with the two leaders, and after listening to Secretary Albright's report, I have concluded that this is the best way - indeed, it is the only way - to move forward.

To state the task is to suggest the magnitude of the challenge. Behind the Israeli-Palestinian conflict lie the most profound questions, about beliefs, political identity, collective fate. Etched in each side's

mind are intense fears and emotions and a deep-seated commitment to defend their people's interests. There are no easy answers, and certainly no painless ones. And, therefore, there is clearly no guarantee of success.

Why this summit and why now? While Israeli and Palestinian negotiators have made real progress, crystallizing issues and defining gaps, the truth is they can take the talks no further at their level.

Significant differences remain, and they involve the most complex and most sensitive of questions. The negotiators have reached an impasse. Movement now depends on historic decisions that only the two leaders can make.

I will be there with them and I intend to do all I can to help them in this endeavor. But to delay this gathering, to remain stalled, is simply no longer an option. For the Israeli-Palestinian conflict, as all of us has seen, knows no status quo. It can move forward toward real peace, or it can slide back into turmoil. It will not stand still. If the parties do not seize this moment, if they cannot make progress now, there will be more hostility and more bitterness, perhaps even more violence.

And to what end? Eventually, after more bloodshed and tears, they will have to come back to the negotiating table. They will have to return to face the same history, the same geography, the same demographic trends, the same passions and the same hatreds - and I am sure, the exact same choices that confront them here and now.

Of course, action does have its perils. But so, too, does inaction. The decisions will not come easier with time. Fundamentally, that is what I have concluded. The leaders have to make the decisions that are still there to be made, and the longer we wait, the more difficult the decisions are likely to become. The Israeli and the Palestinian people have leaders now who are visionary enough, courageous enough, capable of building a fair, just and lasting peace.

In coming here and accepting this challenge, Prime Minister Barak and Chairman Arafat have shown they are ready to take risks to pursue peace. The rest of the world - and especially the rest of the region - cannot afford to be bystanders. For all those who are truly committed to the cause of peace and to the well-being of the Israeli and Palestinian people, now is the time to lend their support to the peacemakers.

To the people of Israel and to the Palestinian people, I would like to say this: Peace under circumstances like these is never cost-free.

Neither side can achieve 100 percent of its goals. For the optimal solution of each party is, by definition, one the other party cannot and will not accept. Negotiations, therefore, must create an outcome that is realistic, balanced and fair, and that meets the fundamental objectives of both sides; an outcome that strengthens the two parties rather than weakens one of them; an outcome that accommodates both sides' vital needs and dreams; an outcome that reconciles their competing grievances.

That is the only outcome that will permit Israelis and Palestinians to offer their children a future far different from the past, one with more opportunity and less fear, more hope and less despair. And that, of course, is the ultimate prize of peace.

The objective is often overshadowed, I might say, as all of you know, by the abject dreariness of the pursuit - one that you will, no doubt, have occasion to comment on in the days ahead. The ups and downs of the process, the daily hassles and disputes, the open-ended nature of the negotiations - all these, over time, have blurred the vision of what it is we are trying to achieve.

For Prime Minister Barak and Chairman Arafat, the challenge next week will be to start drawing the contours of the long-awaited peace - a peace that can fulfill the Israeli people's quest for security, for recognition, for genuine reconciliation with Palestinians and genuine acceptance in the region - accep-

tance in deeds as well as words. A peace that can fulfill the Palestinian people's legitimate aspirations to determine their destiny on their own land, and to build a better future.

Almost seven years ago now, we witnessed the historic handshake between the late Prime Minister Rabin and Chairman Arafat. It began a process that offered the Israeli and Palestinian people the chance to achieve what I then described as "the quiet miracle" of a normal life.

That is still the vision that must inspire the efforts and call forth the commitment, courage and creativity of Prime Minister Barak and Chairman Arafat next week.



**ISRAELI PRIME MINISTER EHUD BARAK, ADDRESS TO THE KNESSET
REGARDING THE CAMP DAVID SUMMIT, JERUSALEM, 10 JULY 2000**

On the morning of 10 July, PM Barak traveled to Cairo for an meeting with President Mubarak before his departure to Camp David (see Document 142). Upon his return, he addressed the Knesset where he reiterated his basic negotiating positions. He dwelt at length on the benefits of peace. In the ensuing vote of confidence, the government lost by 52 to 54, although not enough to bring about new elections. Barak's majority in his own cabinet shrunk to 9 of 22. The Prime Minister was relying a great deal on public opinion, with some polls indicating that 61% of Israeli Jews were in favor of his going to the summit. Excerpts from his address to the Knesset follow:

Israeli citizens, we face crucial decisions in the days ahead.

Just over a year ago, the Israeli people elected this government by a sweeping majority, and provided it with a mandate to lead the country - not in order to maintain the existing situation, but in order to change the situation at its very roots - to ensure a more secure future for Israel, and to provide hope for our children. We fulfilled our promise to end the 18-year tragedy and to bring our sons home from Lebanon... and we will act in a similar way, leaving no stone unturned, in an effort to end the bloody 100-year conflict between Israel and the Palestinians. We will act with determination, courage and resourcefulness, while insisting on separation from the Palestinians, and upholding our assurances on these critical red lines:

- No return to the 1967 lines;
- A united Jerusalem under Israeli sovereignty;
- No foreign army west of the Jordan River;
- An absolute majority of the settlers in Judea and Samaria living in settlement blocs under our sovereignty;
- Israel will not accept moral or legal responsibility for the creation of the refugee problem.

In the elections, the Israeli people provided us with a clear and decisive mandate to lead the country, to identify problems and resolve them, and to identify challenges and confront them from positions of strength and with self-confidence. In our history, there have been governments which have preserved the existing situation and there have been governments which changed the very roots of the situation, and promised a better future for all our children. Thus did the Provisional State Council act, under the leadership of David Ben-Gurion, when it established the state, in spite of the fierce internal opposition. Thus did the Begin government act when it broke through the circle of enmity surrounding Israel and made peace, despite the strong opposition of the right wing. The Rabin government took this path, when it paved the way towards [reconciliation with] our Palestinian neighbors, in spite of the bloody incitement in the streets, and this is the approach of the present government under my leadership.

The great leaders of Israel set out from here, from united Jerusalem, the eternal capital of Israel, in order to meet with the great and important leaders and to make the crucial decisions of Israel's history.

Today, I wish to depart from Jerusalem for Camp David, in order to complete the peace-making mission begun by the late Menachem Begin and Yitzhak Rabin.

I will not be traveling alone. I will be joined by two million voters who entrusted us again with leading the country. I will be joined by the Israeli public and by citizens who are open to change, and who seek peace, hope and a strong and modern Israel built upon the foundations of security and peace - a state which will put an end to thirty years of coping with the burdens of ruling over another people, enabling its citizens instead to focus their energies and talents on domestic needs, on the Galilee and the Negev, on the elimination of social deprivation and inequality, on education and hi-tech, on science, the technological revolution, the 21st century and the future of all our children.

I am joined by millions of youngsters, adults, immigrants and veterans who wish to give peace a chance, and are asking the Prime Minister to do everything possible in order to try and end the cycle of bloodshed, and to bring peace, while maintaining our red lines.

I feel the acute pain but also the hope of Yitzhak Frankental, whose son Arik was killed in a Palestinian terrorist attack; the pain and hope of Smadar Haran who lost Yael, Einat and Danny in a cold blooded terrorist act, and of Yehezkel Cohen whose son Noam was killed in a terrorist attack. I feel the pain and the hope of thousands of anxious bereaved families. In my heart, I also feel the hurt of the pioneering Israeli settlers in Judea, Samaria and Gaza. I fully understand the depth of sincerity and anguish in their cries. I have been a soldier for over 35 years. In fighting for peace, just as in war, even when it is painful and difficult, I will not take my eye off the target; I will keep my hand steady on the helm and the compass. Therefore, I can tell you that there is no basis to the bleak prophecies of extremists who wish to scare us away from reaching a peace agreement. These are the same prophets who warned us about the duplicity of Sadat when he visited Jerusalem, and of the Katyushas falling on Kfar Saba following the signing of the Oslo agreement. These are the same prophets who would not dare to withdraw from Lebanon. It is these prophets who are unwilling to make the effort required to end the cycle of bloodshed. We are prepared to make the effort.

My head echoes with the recognition which the late Menachem Begin carried with him when embarking on his mission for peace: "The difficulties of peace are certainly preferable to the pain of war. War destroys life, ruins dreams and sows bereavement and loss."

I am embarking on my journey in order to try and return with an agreement that will strengthen Israel, an agreement that will be presented to the people for their approval, as it was the people who sent me and provided me with the mandate.

Mr. Speaker, distinguished Members of Knesset,

I am saying to the citizens of Israel that peace is not simply a matter of ceding parts of the land that we love. Rather, it is the key to a profound change in our entire lifestyle. Peace will bring about real change in the lives of each and every one of us.

Peace will bring foreign investment, the continuation of economic growth, higher employment and more jobs. It will lead to greater funding for education, health and infrastructures. Peace will reduce social inequalities and deprivation, and will provide equal opportunities for all, including those who have fallen behind.

I wish to tell the Palestinians that Israel's military strength was established in order to defend ourselves and to enable us to achieve peace. We cannot be threatened on the battlefield. We will not be defeated in war. Israel is the strongest military power in the region. We will continue to preserve Israel's military strength in the future in order to consolidate the stability of peace and to deter the opponents of peace who believe that they can hurt us. This military power, backed by a profound sense of moral justice, will bolster peace and ensure that it is preserved.

I am saying to the world: Israel is pursuing peace because it is strong, and because it possesses self-confidence. Israel is pursuing peace because it seeks a future that is more secure, and it seeks new hope for its children.

In the name of you all, citizens of Israel, parents and children, the people of Israel, I depart today from Jerusalem, our eternal capital, in order to carry Israel forward. I will exhaust every opportunity to bring peace and security, carrying in my heart the prayer of peace of the Jewish people since time immemorial: "Bestow peace, goodness and blessing, life, favor, kindness and mercy upon us and upon all Israel Your people." The prayer ends: "Blessed art Thou, Almighty God, who blesses His people Israel with peace."

I will conclude with the words of the Psalmist: "The Almighty will grant His people strength; the Almighty will bless His people with peace."



**US PRESIDENT BILL CLINTON, REMARKS UPON DEPARTURE
FOR THE CAMP DAVID PEACE SUMMIT, 11 JULY 2000**

Good morning. As all of you know, I am now leaving for Camp David to join Prime Minister Barak and Chairman Arafat in their effort to reach agreement on the core issues the have divided Israelis and Palestinians for half a century now.

The two leaders face profound and wrenching questions, and there can be no success without principled compromise. The road to peace, as always, is a two-way street. Both leaders feel the weight of history, but both, I believe, recognize this is a moment in history which they can seize. We have an opportunity to bring about a just and enduring end to the Israeli-Palestinian conflict. That is the key to lasting peace in the entire Middle East. Of course, there is no guarantee of success, but not to try is to guarantee failure.

The path ahead builds on the journey already taken from the first Camp David Summit to Madrid to Oslo; to the first handshake on the lawn between Prime Minister Rabin and Chairman Arafat; to the peace between Israel and Jordan and the agreement at Wye River. The parties have proven that peace is possible when they are determined to make it.

In the process, they have passed the point of no return. The only way forward now is forward. Both sides must find a way to resolve competing claims, to give their children the gift of peace. It will take patience and creativity and courage. But Prime Minister Barak and Chairman Arafat have those qualities, or they would not have come this far.

They will also have the unstinting and unequivocal support of the United States. I'll do everything I can over the coming days to see that this moment of promise is fulfilled. And I hope that those leaders will have the thoughts and prayers and support of all Americans.



**G-8 SUMMIT, STATEMENT ON REGIONAL ISSUES,
OKINAWA, 21 JULY 2000 [EXCERPTS]**

[...] MIDDLE EAST PEACE PROCESS

In the Middle East, there is a real opportunity for the achievement of a comprehensive peace based on the UN Security Council Resolutions 242 and 338 and the agreements of Madrid and Oslo. We reaffirm our strong support for the efforts by the parties concerned to advance the peace process toward this end. We reiterate the importance we attach to a continuing commitment to the peaceful resolution of disputes.

In the light of the trilateral Summit Meeting on a peace between Israel and the Palestinians, we applaud the intensive efforts by President Arafat and Prime Minister Barak, with the facilitation of President Clinton, to reach agreement on all permanent status issues. We welcome their courageous decision to continue negotiations, and confirm our support for their endeavours. We confirm too our commitment to assist the implementation of a peace agreement, and invite the international community to participate in the efforts to help the parties implement such an agreement when it is reached.

We underline the importance of resuming the activities of the multilateral working groups, recognising that progress in the multilateral tracks is related to and supports the bilateral tracks.

We condemn any violent attempts by extremists and terrorists to interfere with the Middle East peace process, and call for a cessation of support for such violence.

We welcome the recent withdrawal of the Israeli forces from Lebanon, in accordance with the UNSCR 425, as verified by the UN Secretary General and confirmed by the UN Security Council. It is the responsibility of the Government of Lebanon to ensure the return of its effective authority to maintain peace and security in southern Lebanon. Being aware that attaining these goals will also depend on the government's ability to meet the infrastructure and development needs of this region, we are committed to supporting its efforts to this end. [...]



**TRILATERAL STATEMENT ON THE MIDDLE EAST SUMMIT,
CAMP DAVID, MARYLAND, 25 JULY 2000**

*[The following account of the Camp David summit involving US Pres. Clinton, Israeli PM Barak, and PA Chairman Arafat was released on 25 July 2000 by the White House Office of the Press Secretary. See also **Map 1** and **2** in the **Annex**]*

Between July 11 and 24, under the auspices of President Clinton, Prime Minister Barak and Chairman Arafat met at Camp David in an effort to reach an agreement on permanent status. While they were not able to bridge the gaps and reach an agreement, their negotiations were unprecedented in both scope and detail. Building on the progress achieved at Camp David, the two leaders agreed on the following principles to guide their negotiations:

- 1) The two sides agreed that the aim of their negotiations is to put an end to decades of conflict and achieve a just and lasting peace.
- 2) The two sides commit themselves to continue their efforts to conclude an agreement on all permanent status issues as soon as possible.
- 3) Both sides agree that negotiations based on UN Security Council Resolutions 242 and 338 are the only way to achieve such an agreement and they undertake to create an environment for negotiations free from pressure, intimidation and threats of violence.
- 4) The two sides understand the importance of avoiding unilateral actions that prejudice the outcome of negotiations and that their differences will be resolved only by good faith negotiations.
- 5) Both sides agree that the United States remains a vital partner in the search for peace and will continue to consult closely with President Clinton and Secretary Albright in the period ahead.



**US PRESIDENT CLINTON, REMARKS ON RETURNING FROM CAMP DAVID,
MARYLAND, 25 JULY 2000**

First of all, let me say, like all of you, I just heard the news of the crash of the Concorde outside Paris, and I wanted to extend the deepest condolences of the American people to the families of those who were lost.

Conclusion of the Middle East Peace Summit

After 14 days of intensive negotiations between Israelis and Palestinians, I have concluded with regret that they will not be able to reach an agreement at this time. As I explained on the eve of the summit, success was far from guaranteed given the historical, religious, political, and emotional dimensions of the conflict.

Still, because the parties were not making progress on their own and the September deadline they set for themselves was fast approaching, I thought we had no choice. We can't afford to leave a single stone unturned in the search for a just, lasting, and comprehensive peace. Now, at Camp David, both sides engaged in comprehensive discussions that were really unprecedented because they dealt with the most sensitive issues dividing them, profound and complex questions that long had been considered off limits.

Under the operating rules that nothing is agreed until everything is agreed, they are, of course, not bound by any proposal discussed at the summit. However, while we did not get an agreement here, significant progress was made on the core issues. I want to express my appreciation to Prime Minister Barak, Chairman Arafat, and their delegations for the efforts they undertook to reach an agreement.

Prime Minister Barak showed particular courage, vision, and an understanding of the historical importance of this moment. Chairman Arafat made it clear that he, too, remains committed to the path of peace. The trilateral statement we issued affirms both leaders' commitment to avoid violence or unilateral actions which will make peace more difficult and to keep the peace process going until it reaches a successful conclusion.

At the end of this summit, I am fully aware of the deep disappointment that will be felt on both sides. But it was essential for Israelis and Palestinians, finally, to begin to deal with the toughest decisions in the peace process. Only they can make those decisions, and they both pledged to make them, I say again, by mid-September.

Now, it's essential that they not lose hope, that they keep working for peace, they avoid any unilateral actions that would only make the hard task ahead more difficult. The statement the leaders have made today is encouraging in that regard.

Israelis and Palestinians are destined to live side by side, destined to have a common future. They have to decide what kind of future it will be. Though the differences that remain are deep, they have come a long way in the last 7 years, and notwithstanding the failure to reach an agreement, they made real headway in the last 2 weeks.

Now the two parties must go home and reflect, both on what happened at Camp David and on what did not happen. For the sake of their children, they must rededicate themselves to the path of peace and find a way to resume their negotiations in the next few weeks. They've asked us to continue to help, and as always, we'll do our best. But the parties themselves, both of them, must be prepared to resolve profound questions of history, identity, and national faith as well as the future of sites that are holy to religious people all over the world who are part of the Islamic, Christian, and Judaic traditions.

The children of Abraham, the descendants of Isaac and Ishmael, can only be reconciled through courageous compromise in the spirit of those who have already given their lives for peace and all Israelis, Palestinians, friends of peace in the Middle East and across the world who long for peace and deserve a Holy Land that lives for the values of Judaism, Islam, and Christianity.

Thank you.



**ISRAELI PRIME MINISTER EHUD BARAK, PRESS STATEMENT
REGARDING THE CAMP DAVID SUMMIT, 25 JULY 2000**

The Government of Israel, and I as Prime Minister, acted in the course of the Camp David Summit out of moral and personal commitment, and supreme national obligation to do everything possible to bring about an end to the conflict - but not any price - while at the same time, strengthening the State of Israel, and Jerusalem its capital. In the course of the negotiations, we touched the most sensitive nerves, ours and the Palestinians, but regrettably - with no result.

We were not prepared to relinquish three things: the security of Israel, those things that are holy to Israel, and the unity of our people. If we will be faced with the alternative between compromising one of these and a confrontation, the choice is clear to every Israeli.

We've known how to face such situations in the past, and we will in the future. Yet, if we will find ourselves in a confrontation, we will be able to look straight into the eyes of our children and to say that we have done everything to prevent it. In the face of the dangers and risks before us, we must put aside all our differences and unite, as we have known to do so many times in the past.

All my life I fought for Israeli security, and I reiterate: I will not agree to relinquish the vital interests of Israeli security; I will not agree to give up the strengthening of Israel and the bolstering of greater Jerusalem, with a solid Jewish majority, for future generations.

Israel was prepared to pay a painful price to bring about an end to the conflict, but not any price. We sought a stable balance, and peace for generations to come, not headlines in tomorrow's paper. The summit was a major - and for now the latest - milestone in the intensive and exhaustive negotiating process to achieve a framework agreement for the permanent status accord with the Palestinians, which my government has been striving to achieve.

We can today look in the mirror and say: In the past year, we have exhausted every possibility to bring an end to the 100-year-old conflict between us and the Palestinians, but regrettably the conditions were not yet ripe.

I understand the disappointment of many in Israel, who believe in co-existence and extending a hand in peace to our Palestinian neighbors. I even join them in their disappointment. However, we will not cease our effort to achieve peace and will continue to work to bring it about - yet not at any price.

Arafat was afraid to make the historic decisions necessary at this time in order to bring about an end to the conflict. Arafat's positions on Jerusalem are those which prevented the achievement of the agreement.

We in the delegation worked day and night in order to reach an agreement. But I, as Prime Minister, bear overall responsibility for the Israeli positions presented in the course of the summit, just as I would have stood behind any overall agreement, difficult as it may have been, had it been achieved.

The Israeli positions were accorded full legitimacy by the US government, and there is no dispute that Israel was prepared to go all the way to achieve that peace.

Ideas, views and even positions which were raised in the course of the summit are invalid as opening positions in the resumption of negotiations, when they resume. They are null and void.

We must not lose hope. The vision of peace is not dead, but it suffered a heavy blow because of the Palestinian stubbornness. The Palestinians must deal with their extremist elements, and both sides must work together to prevent a deterioration into violence.

I thank the President of the United States, the Secretary of State, the Peace Staff - both of the State Department and of the National Security Council, for their dedicated work during the course of the Summit, during the last months, and throughout the last year - I would even say throughout the decade.

We are at the end of an important stage in the peace process and the beginning of a new stage which contains considerable uncertainty. Strong and united, firmly convinced in the justice of our position, we will enter the period before us with confidence. We will insist on our security and continue to act with determination to bring peace to Israel and a secure future for all our families and children.

This morning we have ended the summit at Camp David without an agreement. In the next few weeks an American senior official will come to the Middle East to probe the ground whether it's ripe for a continuation of the negotiation.

We have done our best, out of a moral and personal and government responsibility, to do whatever we can to put an end to a conflict of 100 years, not at any cost, and in a way, of course, that will strengthen Israel. But unfortunately, in spite of being ready to touch the most sensitive nerves, we have ended with no results.

We will emphasize, under whatever circumstances, the security of Israel, the sacred values and interests of Israel, and the unity of our people. And if we have to face the challenge and fight for one of those, we will be ready to fight to the end. We were ready to end the conflict; we looked for an equilibrium point that will provide a peace for generations. But unfortunately, Arafat somehow hesitated to take the historic decisions that were needed in order to put an end of it.

And of course, I believe that we should not lose hope. We should prepare for every possibility. The vision of peace suffered a major blow, but I believe that with good faith, goodwill on all sides, it can recuperate.

We'll have to take care of extremism and terrorism and to make sure that the next few weeks will not deteriorate the whole region into a new round of violence.

I have to express our deep gratitude and thanks to the President of the United States, President Clinton, to Secretary of State Madeleine Albright, to her peace team, to the team of the National Security Council for the effort they have made during this summit, during the last month, during the last year since I came to power, and, in fact, all along this decade to bring peace to the troubled region of the Middle East on exactly the other side of the globe.

We are at the end of a stage, opening a new era with a lot of uncertainties. But both strong and united and aware of our inner truth, we'll step forward into this new era. We'll insist on our security, and we will do whatever could be done to bring peace for Israel and the Middle East and a better future for all our children.



**ISRAELI PRIME MINISTER EHUD BARAK, STATEMENT UPON
RETURNING FROM THE CAMP DAVID SUMMIT, 26 JULY 2000**

Fifteen days ago, I set out from Jerusalem, the heart of the Jewish people, on a mission of peace in Camp David. In the name of millions of citizens raising their eyes in hope and in prayer, I embarked to try and complete the task begun by the late Menachem Begin, and for which the late Yitzhak Rabin gave his life. In your name, I set out to bring peace and hope to our children and to put an end to the 100-year-old conflict between us and our Palestinian neighbors.

I embarked to try and strengthen Jerusalem, our capital, to enlarge and buttress it for generations to come with a firm Jewish majority.

I embarked to try and ensure that a majority of the settlers in Judea and Samaria would for the first time live under Israeli sovereignty. I embarked in the knowledge that there cannot be peace at any price, but also that there cannot be peace without paying a price - a painful, difficult and heartbreaking price.

Today I return from Camp David, and can look into the millions of eyes and say with regret: We have not yet succeeded. We did not succeed because we did not find a partner prepared to make decisions on all issues. We did not succeed because our Palestinian neighbors have not yet internalized the fact that in order to achieve peace, each side has to give up some of their dreams; to give, not only to demand.

I look into the millions of eyes in whose name we embarked on this mission, and say: We did everything we could. We turned every stone, we exhausted every possibility to bring an end to the conflict and a secure future for Israel. And we continue to hope.

Today, the entire world knows that Israel desires peace. Today, the entire world knows that we conducted negotiations willingly and honestly.

I wish to thank my colleagues, Ministers Amnon Lipkin-Shahak, Shlomo Ben-Ami and Dan Meridor, and all the members of the delegation, for the days and nights of difficult deliberations undertaken with a weighty sense of responsibility for the future of Israel, for their joint efforts, for the friendship they displayed.

We conducted difficult negotiations; we were prepared to pay a heavy price. But we knew that on three things we could not compromise: the security of Israel, the sacred values of Israel, and the unity of the Israeli people. Let every Israeli and every neighbor know that there are things that are not negotiable. And if, God forbid, we will be faced with a choice of conceding or fighting for them, the choice will be clear to each and every one of us.

I, too, am disappointed today, as are many Israelis. I truly lament the loss of a tremendous opportunity which was so near, yet remains still far. In the name of the millions of eyes still gazing with hope and prayer, I promise not to despair, not to tire, not to cease to pursue peace.

To my brothers, the pioneering settlers in Judea, Samaria and Gaza, to our brothers in the Jordan Valley, to all of you I say today: My heart is with you in your pain. Your suffering is part of the path to the redemption of the land of Israel. Throughout most of my life I fought alongside my brothers for the security of Israel. I will not let anyone harm it or weaken it.

To our neighbors, the Palestinians, I say today: We do not seek conflict. But if any of you should dare to put us to the test, we will stand together, strong and determined, convinced in the justness of our cause in the face of any challenge, and we shall triumph.

The road to peace is strewn with ups and downs, achievements and crises. We may still face difficult moments. But the hope of peace has not been extinguished - and it will come. Until then, we will stand united, in knowledge of our strength and the justness of our cause, ready to extend our hand in peace. Sure of our strength, we shall stride forward, with the prayer of generations in our hearts: "The Lord shall give strength to His people, the Lord shall bless His people with peace."



**US PRESIDENT BILL CLINTON, INTERVIEW WITH ISRAEL TELEVISION
CHANNEL 1 ON THE CAMP DAVID SUMMIT, 27 JULY 2000**

[In an unprecedented interview, Clinton praised the PM Barak's courage at Camp David and announced that the US wanted to have a new Memorandum of Understanding with Israel on the modernization of the IDF, a review to improve the US-Israel strategic relationship, the upgrading of Israel's security and the relocation of the US embassy to Jerusalem. He called on Israel and the PA to resume talks at an appropriate time and stated his opposition to a unilateral declaration of an independent Palestinian state.]

Question: Mr. President, time is of the essence. How do you consider right now the relationship between Israel and the United States after the summit?

President Clinton: Well, I think it's very strong. But I think in view of the courageous actions that the Prime Minister and the Israeli team took at the summit, and in view of the withdrawal from Lebanon, I think some review and strengthening is in order.

I plan to have a comprehensive review to improve our strategic relationship. We're going to have talks that will start right away, with a view toward what we can do to ensure that Israel maintains its qualitative edge, modernizes the IDF and meets the new threats that Israel and the other countries will face in the 21st century.

Secondly, I want to have a memorandum of understanding done as soon as possible with regard to our bilateral assistance, with a goal of making a long-term commitment to the necessary support to modernize the IDF. I think that's important.

The third thing that I think is significant is that we provide assistance, which we will do, to Israel, to upgrade its security, in light of the withdrawal from Lebanon. And in that context, we also want to try to help the government of Lebanon to strengthen its ability to control southern Lebanon and to make progress toward a more normal existence. There are some other things that we're reviewing.

You know, I have always wanted to move our embassy to West Jerusalem. We have a designated site there. I have not done so because I didn't want to do anything to undermine our ability to help to broker a secure and fair and lasting peace for Israelis and for Palestinians. But in light of what has happened, I've taken that decision under review and I'll make a decision sometime between now and the end of the year on that.

And there are other things I think we have to be open to. But the main thing that I want the people of Israel to know is that the United States remains a friend and a partner, completely committed to the security and future of Israel; continuing to believe that a just and lasting peace is the best alternative, and the only alternative for absolute security. But in the meanwhile, we have to do what we can to strengthen the capacity of Israel to defend itself and to deepen our bilateral relationship. So I intend to do that.

Question: You mentioned the relocation of the American Embassy and put it in Jerusalem. Would you consider it in any circumstances, even if there is no agreement?

President Clinton: I think I should stand on the words I said. I have always wanted to do it. I've always thought it was the right thing to do. But I didn't want to do anything to undermine the peace process and our ability to be an honest broker, which requires that we be accepted by both sides.

But it's something that I have taken under review now because of the recent events. And I think that's all I should say about it now.

Question: So what is the next move right now? As I understand, Prime Minister Barak is saying that he's willing to go to another summit. What do you think is the next move?

President Clinton: I think, first of all, we need to have their people start talking directly again, and I think they will at a certain level. And then the Prime Minister needs to have a little time, I think, in Israel to deal with governmental issues. And I would hope that Chairman Arafat and the other leaders in the Arab world will work to prepare their public for the proposition that there can be no agreement without courage and conscience, but also honorable compromise - that's what agreements are.

The Palestinians did make some moves at these talks that have never been made before. And while I made it clear in my statement, I thought that the Prime Minister was more creative and more courageous. They did make some moves, and the teams, the negotiating teams, for the first time in a formal setting where it counted, actually discussed these issues.

Now, you know, there had been side papers and discussions and all that over the last seven years, since Oslo, but nothing like this, not ever. And there's a reason when the Oslo agreements were signed that these final status issues were put off until the end - they're hard, they're difficult, they're contentious. But the fact that they were actually there talking and the fact that I saw changes emerge on both sides, including within the Palestinian camp, I think is hopeful.

But what I want to do - first of all, I'll do anything I can. I'll be glad to convene another meeting. I'll go anywhere, do anything, anything I can.

Question: Will you consider a visit to Israel?

President Clinton: I just want to defer making any statements until I make a decision about what is the best thing for the peace process. I will act as soon as I can be helpful. We're doing things all the time, including now, today, as we speak. But I don't want to do something that's not helpful. And if we're going to make a difference, then the next time we meet, both sides have to be prepared to make the decisions necessary to conclude an agreement. And as soon as I'm convinced that's a good possibility, I'll do what I can to make it happen.

Question: You know, the discussion about Jerusalem during the summit opened a Pandora's Box in Israel. Can you assure the Israeli people that Barak isn't going to divide Jerusalem?

President Clinton: Let me say this. First of all, all the discussions that were held were private and I have to honor that. What the Israelis and Palestinians decide to say about it is their affair. But I can't be in the position of violating the trust of either side.

What I believe is that Prime Minister Barak in no way ever compromised the vital interests of the security of the State of Israel. One thing I think that I can say without violating either side is that the most progress in the talks was made in the area of security, where there was a surprising amount of consensus and an understanding that neither side would be secure after a peace agreement unless both were secure and unless both worked together - and there was no interest, fundamentally, in the Palestinians in having a weak Israel, a vulnerable Israel, an Israel unable to defend itself; and that the Palestinians would be stronger if they were working together.

I think if there is one thing that should be encouraging to the people of Israel, of all political parties and persuasions, it would be that. There was a clear willingness to try to come to grips with what were very different positions on this issue when they met, and come together. And I was quite encouraged by that.

You know, Jerusalem is a difficult issue. But I believe that the Prime Minister did everything he could to reach an agreement while preserving the vital interests of Israel.

Question: Israel is afraid that if Barak already made some concessions right now, and that the Palestinians didn't make any concessions, in Jerusalem, so many people are afraid that if the negotiations will resume, Israel will be asked to do, to make some more concessions. Can you tell the Israeli people that you wouldn't ask Barak to give much more than what he already was ready to give?

President Clinton: First of all, I don't think that he will ever do anything that he believes undermines the vital interest of the people of Israel and Jerusalem. And it is true that while the Palestinians, themselves, didn't make some moves on Jerusalem, that Israel did more. But nothing that I think undermined the vital interests of the people of Israel.

And I think that is an issue where - and, frankly, most of the discussion involved ideas embraced not formally by either side. And they are not bound by it. So I believe that, everybody pretty well knows right now that there won't necessarily be a lot more movement of the same kind. And we may have to have a resolution in some ways that no one has quite thought of yet.

But I kept telling the Palestinians, and I will say again to the world, that you cannot make an agreement over something as important as a city that is the holiest place in the world - to the Jews, to the Christians and to the - one of the holiest places in the world to the Muslims - if it is required of one side to say I completely defeated the interest of the other side. If either side gets to say that at the end, there won't be an agreement. There can't be.

There has to be a way to identify the legitimate interests - and there are legitimate interests in both sides, in Jerusalem - in such a way that they are met and honored and that the sanctity of the Holy City is uplifted. There has to be a way to do that. But, you know, it's not for me to design a plan, they have to

come to it. And I think they will come to it if the people of Israel, and if the Palestinians will give their leaders a clear message that they trust them not to compromise their vital interest or their security; but beyond that, to be as flexible as possible, to try to honorably accommodate each other's true interests.

Question: During the talks, did you consider the possibility that maybe Barak's concession will not pass a referendum?

President Clinton: I did. Of course, he has to be the final judge of that.

Question: You can always advise him and help him with that, too.

President Clinton: If they reach an agreement that they both believe is right and honorable, and protects their vital interests and their security, obviously I would do whatever I could to persuade the people to support it. I don't know that I would have much influence, but I would do whatever I could. I would certainly never countenance an agreement that I thought undermined Israel's security, but you don't have to worry about that. I don't think there was ever anything that was clearer to me in these negotiations.

The people of Israel may differ with their Prime Minister on some of the details, but they should never question whether he had the long-term security and vital interests of Israel uppermost in his mind. That was clear. And as I said, to me something that should be very encouraging is that they really did make a lot of progress on the security issue. And Israel was, I think, the big winner there. But only because the Palestinians recognize that their security will be tied to Israel's security if they make an agreement.

Question: I'm sure that you know that the majority of Israelis, the people, admire your devotion to the peace process. And they ask themselves today if President Clinton can't bring peace, which President of the United States will do it?

President Clinton: I would hope that any President would honor America's historic commitment to Israel, and our decades of involvement in the Middle East, and our attempt to be fair to the legitimate interests of all the people of the region, including the Palestinians. I don't know if anybody else will ever put the time in on this that I have, or have the kind of personal, almost religious conviction I have about it.

But, keep in mind, this is an evolutionary process. If we don't finish - and I believe we can, and I still believe we will - but if we don't finish this year, the negotiating teams for the two sides, and the attitudes of the people will be in a different place than they were because of all that has happened over the last seven years, and especially because of what happened at Camp David, as long as there is a constructive attitude taken about it, and a deepened resolve to be frank with the public, and that this is especially important for the Palestinians.

Question: You are known as the tireless master of negotiating. What happened there? How can both leaders resist the Clinton charm?

President Clinton: I'm afraid my charm and my reasoning abilities, at least for just 15 days, cannot compare with the thousands of years of history that go to the core of the identity of Israelis and Palestinians, as regards Jerusalem. But that's okay; we made a lot of progress, we got people to talk about it, to deal with it, to think about it.

And I hope I prompted a lot of thinking about all the various options available to them. There is more than one way to resolve this in a way that's honorable for everyone.

But I must tell you, when we started these negotiations, I didn't think we had a one in ten chance to succeed. And we actually got more done than I thought we would.

I called this summit because I was afraid that the lack of progress was spinning out of control. The parties, after all, promised each other they would reach an agreement by the middle of September. And they'd never even met to formally, frankly and openly discuss these issues - ever.

So I think when you look at it in that context - if I were just sitting on the outside, and I didn't know any more about it, I would be profoundly disappointed. I'd say, they've had seven years, what have

they been doing all this time? Well, you know what they've - we've had a lot of progress in the last seven years, an enormous amount. But these final status issues were put off until the end because both sides knew they were potentially explosive and agonizingly difficult.

So it wasn't really a matter of charm. Believe me, if I could have prevailed by charming, cajoling, arguing, or just depriving them of sleep, we would have a deal. The last two nights I went to bed at 5:00 a.m. both nights. I did my best so I would be the last person standing on both sides, of all the sides there.

But we just couldn't get there. And we won't get there until each side decides. And this is the decision I think Prime Minister Barak made. That he would go as far as he could without making any specific commitments, because we had it organized so that neither side would be exposed.

So for people to say that he's bound by all these commitments, I don't think that's an accurate reflection of the way I conducted the negotiations. I went out of my way, especially as regards Jerusalem, to set it up so that if either side were willing to float some ideas or entertain some ideas, they wouldn't be exposed, and they could always take them back if there was no agreement.

But both sides - and this applies to the Palestinians, they're going to have to think about this - they have to decide that there is a solution which meets their vital interests, that does not permit them, after it is over, to say, I won and they lost. You have to be able to say, when this is over, "We won; peace won; our children won; the future won." We may - yes, if we can get 100 percent of everything we wanted, no. Is it an honorable compromise that preserves our vital interests and enhances our security - not just maintains it - enhances it, yes. That has to be the test. The test has to be that our vital interests are preserved, our security is enhanced, our future is brighter, and neither side suffered a cataclysmic defeat. That's not what a negotiation is.

Question: Correct me if I'm wrong, but it seems to be that Egypt and Saudi Arabia didn't help to persuade Arafat to make the necessary concessions to have an agreement. It seems to be that this both allies of the United States in this crucial moment couldn't deliver the goods.

President Clinton: I think that the truth is that because this had never been discussed before between the two parties - and because when we went into the negotiations, they were usually secret or sacrosanct - that I'm not sure, number one, that they thought they knew enough to know what to ask for. Although I did my best to try to get them to help, in general terms, before the process started.

But I'm not sure they knew enough to know explicitly what to ask for, which won't be the case if we meet again. Because we're down the road enough now.

And, number two, I do believe that the public opinion among the Palestinians, and throughout the Middle East, had not even sufficiently discussed all these issues. You can see it was still operating at the high level of rhetoric, you know. And at some point, there has to be a way of saying, we have won by making sure the Israelis didn't lose. And the Israelis have to be able to say, we have won by making sure the Palestinians didn't lose. And that's harder to sell.

When you're dealing with something as involved as Jerusalem in these peace talks, the only person who's going to get cheered is the person that says, no, no, no. And that's an easy sell. You go out and say, no, and you can get up the crowd, and they'll cheer you. But if that is the attitude which prevails, then we won't get peace.

Question: There is a right now in Congress some proposal to eliminate or prevent the use, aid to the Palestinians if they decide unilaterally to declare about statehood. Hillary Clinton, your wife, is for this proposal. What is your approach?

President Clinton: The bill has just been introduced. We don't give a great deal of aid there, as you know.

Question: But it's very symbolic.

President Clinton: Very symbolic. Let me just say this. I think there should not be a unilateral declaration. And if there is, our entire relationship will be reviewed, not confined to that. So I don't - I make it a practice normally when the bills are first introduced - and I haven't even reviewed them, not to comment - but I think it would be a big mistake to take a unilateral action and walk away from the peace process. And if it happens, there will inevitably be consequences, not just here, but throughout the world, and things will happen. I would review our entire relationship, including, but not limited to that.

Question: If there will be agreement, what kind of support can the Israeli people expect from the United States?

President Clinton: I will do my best to get the maximum amount of support. One of the reasons I wanted very much to get the agreement this time is that it would give us more time to pass an aid package through Congress. But if there is an agreement, Israel will have further security needs, there will be human costs involved. There will have to be some sort of international fund set up for the refugees.

There is, I think, some interest, interestingly enough, on both sides, in also having a fund which compensates the Israelis who were made refugees by the war, which occurred after the birth of the State of Israel. Israel is full of people, Jewish people, who lived in predominantly Arab countries who came to Israel because they were made refugees in their own land.

That's another piece of good news I think I can reveal out of the summit. The Palestinians said they thought those people should be eligible for compensation, as well. So we'll have to set up a fund and we will contribute. I went to the G-8 in Okinawa in part to give them a report, and I asked the Europeans and the Japanese to contribute as well. And there will be other costs associated with this. So it will not be inexpensive.

Also, if there is an agreement and if the Palestinians set up a state pursuant to an agreement, Israel has a strong interest in seeing it be economically stronger and more self-sufficient, a better trading partner; not just a supply of labor but also a country capable of buying Israeli products in greater detail and growing together in the future. So there will be economic issues that have to be dealt with.

I will try to get as much support as I possibly can for the United States, but also as much support as I possibly can from Europe, from Japan and from other people in the world.

Question: With your permission, Mr. President, can you take us inside Camp David and describe to us one of the crucial moments, one of the crucial crises?

President Clinton: I think the only thing I can talk about without revealing the substance of the talks, which I have promised not to do, is the first time the talks almost broke up. Right before I went to Okinawa, I thought the talks were over. I even went by and said goodbye to Chairman Arafat. And I went by and said goodbye to Prime Minister Barak. And I was walking around talking to the Palestinian and Israeli peace teams. And it was obvious to me that they did not want to go, and that they feared that if they left in the position the talks were then in, that there would be an enormous harshness and recrimination, and it could wind up being a net setback, if you will, for the peace process.

And then, all of a sudden, it became obvious to me that they didn't want to go, that they wanted to keep trying, that they thought it was still possible. So I went back around, I made two more visits. By then, it's very late at night and I'm leaving at dawn the next day. It was like 1:30 a.m. or 1:45 a.m. I made two more visits to both Prime Minister Barak and his team and to Chairman Arafat and his team.

And I finally concluded that they really didn't want to quit. And so I invited them to stay. And I said that I had to go to the G-8 because the United States had some strong interest in Okinawa - it's a main base for a lot of our forces in the Pacific - and because I owed it to my partners to go there to my last meeting, and because I wanted to ask them for money to help the peace process. But that if they would stay, I would leave Secretary Albright behind in charge and they could keep talking, and they wanted to do it.

That was, I think, the pivotal moment which turned this from a negative result to a positive result, even though we didn't get an agreement. Because in the next few days, they relaxed, they began to talk, the Palestinians began to open up a little bit, and we began to get a sense that - at least how we

might get an agreement, even if the parties couldn't reach it this time. In my mind, looking back on it, I think that was a pivotal moment.

Question: Finally, I wanted to ask you, many critics of yours are saying that you are looking desperately for the missing chapter of your legacy, and maybe you tried to overcome the impeachment process. Is the Middle East issue the missing chapter of this legacy?

President Clinton: No. Look, you know, I'm not proud of the personal mistake I made, but I'm proud of what happened in the impeachment process. As far as I'm concerned, we saved the United States Constitution. And I think history will record it favorably to me and unfavorably to those who did it. And I think I have a pretty good legacy here with our economy, with our social progress on crime, on welfare, on education, on health care, for the elderly, for children. And I am proud of what I have done in the Middle East, in the Balkans, in Northern Ireland, in Africa, in Latin America.

This has nothing to do with my legacy. All my life, I have wanted to see peace in the Middle East, and I promised myself when I got elected President, I would work until the last day to achieve it. This is not about me; it's about the children who live in the Middle East. It's about whether those children will be living together or living apart, whether there will be fighting or learning together.

Question: And you're convinced it can be done?

President Clinton: Absolutely. And if it doesn't happen while I'm here, I just want to know that I have done everything I possibly could to make sure it will happen as soon as possible. But I am absolutely convinced that we can do it and that we should do it before the end of the year, because the parties have committed themselves to this September deadline. The parties came to Camp David; nobody had to come. Prime Minister Barak thought it was a good time and I knew if we didn't do it, we would never get around to dealing with this.

We have a saying in America, this is like going to the dentist without having your gums deadened. It's like having somebody pull your teeth with no painkiller. This is not easy. This was hard for these people. But if we hadn't started, you never get to the end of the road unless you get out on the road and take the first step. And this was a huge, important thing.



**MAHMOUD ABBAS, REPORT ON THE CAMP DAVID SUMMIT TO
THE PLO CENTRAL COUNCIL, GAZA, 9 SEPTEMBER 2000**

[The report was presented to the PLO Central Council, which was convened to examine whether or not the PA should defer its decision to declare a state on 13 September.]

We went to Camp David carrying our well-known positions, positions that were adopted by several of our legislative bodies. The positions we adopted are, in our point of view, the minimum that we can accept. They are positions that are based on United Nations Resolutions 242, 338 and 194. They are based on agreements signed between the Israelis and us, they are based on Israeli documents concerning the 1948 Nakba (catastrophe) and the forced expulsion of Palestinians from their homes, and they are based on UN Security Council resolutions dealing with Jerusalem and Jewish settlements.

We stressed to the Americans that for a summit at such a level to succeed it must be prepared for and prepared for well. We cautioned that because of the lack of preparation the prospect of its failure is high. The Americans agreed that a summit that this level needed preparation and they agreed with us that time must be given for preparations. We agreed with Secretary Albright that would have two weeks to prepare. We were later surprised by a telephone call from President Clinton inviting us to a summit that was to be held within a week.

We were faced with two choices, to go knowing very well that the summit will fail and that the Americans may blame us for its failure, or to refuse to attend and be accused of sabotaging the peace process. So we took the first choice.

We went to Camp David not to say NO to the Americans and the world Zionists. We went to say YES to a lasting and just peace. To say YES to international legitimacy and when we failed to reach that, we said NO. Again, we did not go to Camp David to not reach an agreement or to reject points for the sake of rejection so that it would be said that we stood strong. We went to reach an agreement; we dealt with every issue with a strong desire to reach an agreement that would end this conflict that has lasted the entire century.

To assist us in this effort we brought to Camp David eight young, bright legal advisors and maps experts who, on request were ready to present documentation and advise which they had been preparing for such occasions. We feel very proud of these fine, energetic lawyers in who we have great trust and are very happy to have on our side.

Through the Americans the Israelis presented their vision on Jerusalem. They envisioned a Jerusalem where some villages around the city would come under Palestinian sovereignty. Neighborhoods outside the walled the Old City would remain under Israeli sovereignty with the Palestinians having some type of self-rule. The quarters inside the Old City would be divided. The Jewish and Armenian Quarters will be sliced away from the Muslim and Christian Quarters, which will be ruled under a special system. In their attempt to sell this to the Palestinians, they threw in sovereign headquarters for the Palestinian President inside the Old City.

Israel refused to accept moral and legal responsibility for the plight of the refugees. Israel only showed willingness to allow several hundreds to return every year on humanitarian causes. As for compensation, Israel said any fund that will be established would also compensate Jews who left Arab countries.

On borders, Israel demanded control over the Palestinian borders with Jordan and Egypt. Israel also asked to control 15-20 percent of the Jordan River and a sector of the Jordan Valley. Israel also wants to annex 10.5 percent of the West Bank to absorb the settlements. But all West Bank settlements do not sit on more than 1.8 percent.

Israel says it needs 3-5 army bases for monitoring and intervention purposes. Israel also demands that the air space be completely under its control. It asked for a presence at all international entry points to monitor persons, products and weapons. As for the state of Palestine, it must be a demilitarized state.

If we were to summarize the positions of both, the Palestinians and Israel it would be as follows:

Security: The Israelis want control over a part of the Jordan Valley for a maximum 12-year period. That would keep the current military bases and settlements there untouched. The Israelis asked for six bases in the West Bank and three military monitoring areas. Israel demanded it have a presence at the international crossings (to monitor those entering and leaving the area. Israel also demanded the entire air space and electro-magnetic space to be under its control. The Palestinians said they would accept an international force or a multi-national force on the borders. What we won't accept is an Israeli presence, in any form on Palestinian territory.

Borders: Israel wants to carve out 15-20 percent of the Jordan River and Dead Sea border and to annex 10.5 percent of West Bank Land. The Palestinians rejected any carving of borders. Light border amendments and an exchange of lands equal in quantity and quality that does not exceed 2 percent is acceptable.

Refugees: The Israelis agree to contribute to an international fund to be established for the compensation of Palestinian refugees. However, Israel wants the fund to compensate Jews who came to the

country from Arab states. Israel agrees to the return of hundreds of refugees under a family reunification plan or on humanitarian cases. The Palestinians want Israel to take moral and legal responsibility for the refugee crisis. UN Resolution 194 must be accepted so that all refugees are guaranteed the right of return, and by return we mean to Israel. Refugees who chose to return and those who do not must be compensated. The Absentee Treasurer created in Israel in 1949 to administer refugee money is responsible for the compensation. Host countries should also be compensated. An international fund could be established but that fund would only be responsible for part of the compensation. We refuse to mix the issue of Palestinian refugees with Jews immigrants.

Jerusalem: Jerusalem, occupied in 1967, is the city within the walls that includes the Haram al-Sharif, the Holy Sepulcher, and the Muslim, Christian, and Armenian quarters. It is also the city outside the walls, with neighborhoods like Sheikh Jarrah. Musrara, Damascus Gate, Saleh Eldin Street and others.

The Israeli position divides Jerusalem into several sections and gave each section a different legal status.

1. The walled city: The Haram al-Sharif: Israel to have sovereignty and the Palestinians will be given guardianship The Muslim, Christian, and Armenian Quarters: to remain under Israeli sovereignty A Palestinian presidential complex inside the Muslim Quarter that will be given sovereign power.
2. Outside the walled city: sovereignty remains with Israel with municipal functions over these neighborhoods to be carried out by the municipality of Abu Dis. With the exception of two villages, villages surrounding Jerusalem, most of which are area B, will come under Palestinian sovereignty. Israel will have a road that runs through the villages linking them to areas under their sovereignty. The Palestinians will only have one road linking them to the Haram.

The Palestinian position: All of east Jerusalem should be returned to Palestinian sovereignty. The Jewish Quarter and Western Wall should be placed under Israeli authority not Israeli sovereignty. An open city and cooperation on municipal services.

This is our summary of the results of the Camp David negotiations. But the Israelis had a different understanding that was revealed in subsequent local meetings. Israel wants 10.5 percent of the West Bank and rejects the idea of a land exchange. Israel wants 5 monitoring posts with three roads leading to them. Three Israeli administered early warning systems with a Palestinian liaison officer present at the stations. Israeli control over 8 percent of the Jordan Valley for a 12-15 year period. No right of return to Israel. Israel may accept the return of 10,000 Palestinians over a 15-year period under a family reunification plan. Air space to come under Palestinian sovereignty but will be controlled by Israel through guiding systems. An end to the conflict A demilitarized Palestinian state Jerusalem: The same position as in Camp David.

This is the Israeli position as told to us ten days ago. It shows that there are fundamental differences in the positions and that the gaps between the two sides remain very wide.

A declaration of an independent state is a right our people can execute at any time. In 1988, when we declared our state in exile, more than 100 countries recognized that declaration. But recognition of a state on the ground is different that that of a state in exile. And though many nations have said they are in favor of an independent state many hinted of the necessity to declare once prepared on the ground and or after an agreement between the sides is reached. And so we must now stop and think.

Committing to a date has its positive side, it shows that dates and promise are respected and kept, but such a commitment must be based on good preparations not emotional reactions.

We need to carefully study the Israeli response to the declaration. If Israel were to respond negatively, we need to study what measures she will take and how will we respond to these measures.



**US CONGRESS, PEACE THROUGH NEGOTIATIONS ACT OF 2000 (H. R. 5272),
PROVIDING FOR A US RESPONSE IN THE EVENT OF A UNILATERAL DECLARATION
OF A PALESTINIAN STATE, 106TH CONGRESS, 2ND SESSION, 27 SEPTEMBER 2000**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Peace Through Negotiations Act of 2000'.

SEC. 2. FINDINGS.

Congress makes the following findings:

- (1) Resolving the political status of the territory controlled by the Palestinian Authority is one of the central issues of the Arab-Israeli conflict.
- (2) The Palestinian threat to declare an independent state unilaterally constitutes a fundamental violation of the underlying principles of the Oslo Accords and the Middle East peace process.
- (3) On March 11, 1999, the Senate overwhelmingly adopted Senate Concurrent Resolution 5, and on March 16, 1999, the House of Representatives adopted House Concurrent Resolution 24, both of which resolved that: `any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition.'
- (4) On July 25, 2000, Palestinian Chairman Arafat and Israeli Prime Minister Barak issued a joint statement agreeing that the `two sides understand the importance of avoiding unilateral actions that prejudice the outcome of negotiations and that their differences will be resolved in good- faith negotiations'.

SEC. 3. POLICY OF THE UNITED STATES.

It shall be the policy of the United States to oppose the unilateral declaration of a Palestinian state, to withhold diplomatic recognition of any Palestinian state that is unilaterally declared, and to encourage other countries and international organizations to withhold diplomatic recognition of any Palestinian state that is unilaterally declared.

SEC. 4. MEASURES TO BE APPLIED IF A PALESTINIAN STATE IS UNILATERALLY DECLARED.

(a) MEASURES- Notwithstanding any other provision of law, beginning on the date that a Palestinian state is unilaterally declared and ending on the date such unilateral declaration is rescinded or on the date the President notifies the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that an agreement between Israel and the Palestinian Authority regarding the establishment of a Palestinian state has been concluded, the following measures shall be applied:

- (1) **DOWNGRADE IN STATUS OF PALESTINIAN OFFICE IN THE UNITED STATES-**
 - (A) Section 1003 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204) as enacted on December 22, 1987, shall have the full force and effect of law, and shall apply notwithstanding any waiver or suspension of such section that was authorized or exercised subsequent to December 22, 1987.
 - (B) For purposes of such section, the term `Palestine Liberation Organization or any of its constituent groups, any successor to any of those, or any agents thereof' shall include the Palestinian Authority and the government of any unilaterally declared Palestinian state.
 - (C) Nothing in this paragraph shall be construed to preclude--
 - (i) the establishment or maintenance of a Palestinian information office in the United States, operating under the same terms and conditions as the Palestinian information office that existed prior to the Oslo Accords; or
 - (ii) diplomatic contacts between Palestinian officials and United States counterparts.
- (2) **PROHIBITION ON UNITED STATES ASSISTANCE TO A UNILATERALLY DECLARED PALESTINIAN STATE-**

United States assistance may not be provided to the government of a unilaterally declared Palestinian state, the Palestinian Authority, or to any successor or related entity.

- (3) **PROHIBITION ON UNITED STATES ASSISTANCE TO THE WEST BANK AND GAZA-**
United States assistance (except humanitarian assistance) may not be provided to programs or projects in the West Bank or Gaza.
- (4) **AUTHORITY TO WITHHOLD PAYMENT OF UNITED STATES CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS THAT RECOGNIZE A UNILATERALLY DECLARED PALESTINIAN STATE-**
The President is authorized to—
- (A) withhold up to 10 percent of the United States assessed contribution to any international organization that recognizes a unilaterally declared Palestinian state; and
 - (B) reduce the United States voluntary contribution to any international organization that recognizes a unilaterally declared Palestinian state up to 10 percent below the level of the United States voluntary contribution to such organization in the fiscal year prior to the fiscal year in which such organization recognized a unilaterally declared Palestinian state.
- (5) **OPPOSITION TO LENDING BY INTERNATIONAL FINANCIAL INSTITUTIONS-**
The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) to use the voice, vote, and influence of the United States to oppose--
- (A) membership for a unilaterally declared Palestinian state in such institution, or other recognition of a unilaterally declared Palestinian state by such institution; and
 - (B) the extension by such institution to a unilaterally declared Palestinian state of any loan or other financial or technical assistance.
- (6) **LIMITATION ON USE OF FUNDS TO EXTEND UNITED STATES RECOGNITION-**
No funds available under any provision of law may be used to extend United States recognition to a unilaterally declared Palestinian state, including, but not limited to, funds for the payment of the salary of any ambassador, consul, or other diplomatic personnel to such a unilaterally declared state, or for the cost of establishing, operating, or maintaining an embassy, consulate, or other diplomatic facility in such a unilaterally declared state.

(b) SUSPENSION OF MEASURES-

- (1) **IN GENERAL-** The President may suspend the application of any of paragraphs (3) through (5) of subsection (a) for a period of not more than one year if, with respect to the suspension of the application of each such paragraph, the President determines and certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that such suspension is in the national security interest of the United States. Such certification shall be accompanied by a justification for the basis of the determination.
- (2) **RENEWAL-** The President may renew the suspension of the application of any of paragraphs (3) through (5) of subsection (a) for a successive period or periods of not more than one year if, before each such period, the President makes a determination and transmits a certification in accordance with paragraph (1).
- (3) **ADDITIONAL REQUIREMENT-** A suspension of the application of any of paragraphs (3) through (5) of subsection (a) under paragraph (1) or paragraph (2) shall cease to be effective after one year or at such earlier date as the President may specify.

(c) DEFINITION-

For purposes of paragraphs (2) and (3) of subsection (a), the term `United States assistance'--

(1) means--

- (A) assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), except--
 - (i) assistance under chapter 8 of part I of such Act (relating to international narcotics control assistance);
 - (ii) assistance under chapter 9 of part I of such Act (relating to international disaster assistance); and
 - (iii) assistance under chapter 6 of part II of such Act (relating to assistance for peace-keeping operations);

- (B) assistance under the Arms Export Control Act (22 U.S.C. 2751 et seq.), including the license or approval for export of defense articles and defense services under section 38 of that Act; and
 - (C) assistance under the Export-Import Bank Act of 1945; and
- (2) does not include counter-terrorism assistance.

Passed the House of Representatives September 27, 2000.

Attest:

Clerk.



STATEMENT BY AMBASSADOR DUMISANI S. KUMALO, PERMANENT REPRESENTATIVE OF SOUTH AFRICA TO THE UN NATIONS, ON BEHALF OF THE NON-ALIGNED MOVEMENT, TO THE UN SECURITY COUNCIL ON THE SITUATION IN THE MIDDLE EAST, INCLUDING THE PALESTINIAN QUESTION, 3 OCTOBER 2000

Mr President,

Unfortunately, this is not the first time that we have met on this issue. Ten years ago, on 12 October 1990, this Council expressed alarm at the violence which took place at Haram-al-Sharif and other Holy Places of Jerusalem.

At that time, the Security Council in Resolution 672 condemned the acts of violence committed by the Israeli security forces which had resulted in injuries and loss of human life. Furthermore, the Council called upon Israel to abide meticulously by its legal obligations and responsibilities under the Geneva Convention relative to the Protection of Civilian Persons in Time of War (the Fourth Geneva Convention of 1949), which is applicable to all the territories occupied by Israel since 1967.

It is thus with bitter regret that we meet again today in an emergency session to once again condemn acts of violence related to this Holy Place. Especially alarming is the use of live ammunition against civilians by the Israeli security forces.

Mr President,

Last Thursday, Mr Ariel Sharon, leader of the Likud Party, led a defiant and provocative visit to Al-Haram Al-Sharif in Occupied East Jerusalem. This was done in total disregard of the advice of some in the Israeli Government and other international role-players. Mr Sharon acted as a catalyst to this latest occurrence of violence. It cannot be denied that such provocative actions serve to provoke the anger and resentment of Palestinians in what is already a volatile situation.

The invasion of the sanctity of the Holy Places has a very harmful effect on the Middle East Peace Process. In this regard, the NAM views all attempts to undermine the terms of reference of the Middle East peace process as a serious obstacle to the realization of peace.

Mr President,

At the September meeting of the Ministers of the Non-Aligned Movement held in New York, the Ministers reaffirmed their determination to actively strive towards the achievement of a just and comprehensive peace in the Middle East, on the basis of Security Council resolutions 242 (1967) and 338 (1973), and the principle of land for peace. In this context, they stressed the need for the Israeli withdrawal from the Palestinian territory, including Jerusalem.

Furthermore, the Ministers reaffirmed that a just and comprehensive peace can only be achieved by upholding international legitimacy and relevant United Nations resolutions.

The NAM believes that it is incumbent on all Member States to uphold the purposes and principles of the Charter of the United Nations, international humanitarian law and all other instruments of international law, as well as relevant United Nations General Assembly and Security Council resolutions.

The NAM therefore calls on the Israeli Government to exercise restraint and to act in accordance with its stated desire to achieve peace. It further urges Israel to cease its measures of collective punishment against Palestinians, to restore the sanctity of the Haram al-Sharif, and to allow free access to it by Muslim worshippers.

Mr President,

Speaking as a representative of South Africa, my government is convinced that the leadership in Palestine and Israel are committed to seeking a peaceful settlement of the conflict. We still look forward to a breakthrough in the negotiations despite the violence - and the Paris and Cairo Summits are to be welcomed as opportunities in this regard. We believe that it is only the speedy resolution of the Final Status issues that will assure lasting peace in the Middle East.



**UN SECURITY COUNCIL, RESOLUTION 1322 ON THE VIOLENCE IN ISRAEL
AND THE OCCUPIED TERRITORIES, NEW YORK, 7 OCTOBER 2000**

[The UNSC was convened on 3 October at the request of Palestine to discuss the violence in the occupied territories. Due to the threat of a US veto, several changes were introduced to the draft resolution, including the removal of an explicit condemnation of Israeli security forces.]

The Security Council,

Recalling its resolutions 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 672 (1990) of 12 October 1990, and 1073 (1996) of 28 September 1996, and all its other relevant resolutions,

Deeply concerned by the tragic events that have taken place since 28 September 2000, that have led to numerous deaths and injuries, mostly among Palestinians,

Reaffirming that a just and lasting solution to the Arab and Israeli conflict must be based on its resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, through an active negotiating process,

Expressing its support for the Middle East peace process and the efforts to reach a final settlement between the Israeli and Palestinian sides and *urging* the two sides to cooperate in these efforts,

Reaffirming the need for full respect by all of the Holy Places of the City of Jerusalem, and *condemning* any behavior to the contrary,

1. *Deplores* the provocation carried out at Al-Haram Al-Sharif in Jerusalem on 28 September 2000, and the subsequent violence there and at other Holy Places, as well as in other areas throughout the territories occupied by Israel since 1967, resulting in over 80 Palestinian deaths and many other casualties;
2. *Condemns* acts of violence, especially the excessive use of force against Palestinians, resulting in injury and loss of human life;
3. *Calls upon* Israel, the occupying Power, to abide scrupulously by its legal obligations and its responsibilities under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949;
4. *Calls for* the immediate cessation of violence, and for all necessary steps to be taken to ensure that violence ceases, that new provocative actions are avoided, and that the situation returns to normality in a way which promotes the prospects for the Middle East peace process;
5. *Stresses* the importance of establishing a mechanism for a speedy and objective inquiry into the tragic events of the last few days with the aim of preventing their repetition, and *welcomes* any efforts in this regard;

6. *Calls for* the immediate resumption of negotiations within the Middle East peace process on its agreed basis with the aim of achieving an early final settlement between the Israeli and Palestinian sides;
7. *Invites* the Secretary-General to continue to follow the situation and to keep the Council informed;
8. *Decides* to follow closely the situation and to remain seized of the matter.

[Adopted by a vote of 14:0, with the US abstaining]



**EUROPEAN UNION, DECLARATION ON THE MIDDLE EAST,
LUXEMBOURG, 9 OCTOBER 2000**

Given the extreme gravity of the situation, and over and above the individual responsibilities which have just been recalled by the Security Council in its resolution No 1322 of 7 October, the European Union considers that it is a matter of absolute priority for the parties, in the hours ahead, to take in parallel the necessary de-escalation measures and to avoid any fresh provocation.

The European Union is convinced that two peoples who must coexist have no other option than immediately to resume the negotiation path to peace, to which Israelis and Palestinians have both, in recent weeks, overcome so many obstacles hitherto considered insurmountable.

The European Union calls upon the Israeli Prime Minister to address the Palestinian people and on the President of the Palestinian Authority to address the Israeli people and to unite their efforts: in this critical period no effort must be spared to prevent fear, hatred and violence from gaining the upper hand, so that the dialogue for peace may resume as soon as possible.

The Council has asked Mr Javier SOLANA, Secretary-General, High Representative for the CFSP, to travel to the region as a matter of urgency.



**NATIONAL COUNCIL OF CHURCHES AND CHURCH WORLD SERVICE AND
WITNESS, STATEMENT ON MIDDLE EAST VIOLENCE, 11 OCTOBER 2000 [EXCERPTS]**

[Note: The National Council of Churches includes all the mainstream Protestant and Orthodox churches in the US. The Church World Service and Witness, an affiliated organization, specializes in development and overseas work.]

We call on all parties to cease immediately all acts of violence and provocation to violence. We urge that the international community, acting singly or together, assist the parties in deescalating their conflict and in finding alternative ways to address their increasingly bitter grievances with each other. All must pull back from the brink of uncontrollable violent confrontation, where every incident and each life lost only fuels further violence and loss of life.

At the same time, we decry the severity of the Israeli response and condemn their disproportionate use of force. The massive and one-sided loss of life and infliction of injury and property damage belie Israeli claims to legitimate self-defense. We call upon Mr. Barak to practice restraint, as we urge Mr. Arafat to do all in his power to stop the violence.

The fundamental source of the present violent confrontation lies in the continued failure to make real the national rights of the Palestinian people to a sovereign independent state in their own homeland and to create just security arrangements in the region. The Oslo process has failed thus far to achieve the implementation of the rights of the Palestinian peoples and meet their aspirations, resulting instead

in continued human rights violations, the destruction of property, and the economic emmiseration of the majority of the population. Neither has the process provided for the security, acceptance, and normalization of relationships so strongly desired by the Israelis. The goals of both parties can be achieved only through the observance of international law and the implementation of relevant resolutions.

The present outbreak of violence was provoked by a heavy-handed demonstration of Israeli power and assertion of Israeli claims to exercise exclusive sovereignty of Jerusalem, in an affront to the sensitivities of Muslim believers. The NCCCUSA's "City of Holiness and Hope: A Message on Jerusalem" stated that Jerusalem realizes its vocation as holy city when there is justice and peace for all its peoples and that Jerusalem therefore must be shared between the two peoples, Arab and Jew, and among the three religions, Judaism, Christianity, and Islam, that call it home. Respect must be shown by adherents of each faith to the other two, and no action should be undertaken that would assault their religious beliefs and sensitivities. Never should any of them be disturbed at prayer and worship, neither by physical nor emotional assaults, be it the al-Aqsa Mosque, the Western Wall, or the Church of the Holy Sepulchre. Let all be at peace within these holy precincts. [...]

All three Abrahamic faiths, Judaism, Christianity, and Islam, rightly can be called religions of peace. We pray that God will open the eyes that have been blinded by power and privilege, by the passions of fear and anger, pain and rage. Let all believers now soften their hardening hearts, hearkening again to the voice of the one God Who loves them all as children, and Who will guide all who are willing onto the paths of righteousness and peace.

Rev. Robert Edgar
General Secretary
National Council of the Churches of Christ in the USA

Rev. John McCullough
Executive Director
Church World Service and Witness



**LETTER BY 96 US SENATORS TO PRESIDENT CLINTON CONCERNING
PALESTINIAN VIOLENCE AGAINST ISRAEL, WASHINGTON, 12 OCTOBER 2000**

Dear Mr. President,

We write to you to express our solidarity with the State of Israel at this moment of crisis and our profound disappointment and frustration with PLO Chairman Arafat and the Palestinian Authority. We are dismayed that they would allow violence by Palestinians to be carried out without restraint or comment.

Resorting to violence constitutes a fundamental violation of the peace process. Following the signing of the Declaration of Principles in September 1993, Chairman Arafat wrote Israeli Prime Minister Rabin that,

The PLO commits itself to the Middle East peace process and to a peaceful resolution of the conflict between the two sides and declares that all outstanding issues in relation to permanent status will be resolved through negotiations.

The PLO considers that the signing of the Declaration of Principles constitutes a historic event, inaugurating a new epoch of peaceful coexistence, free from violence and all other acts which endanger peace and stability. Accordingly, the PLO renounces the use of terrorism and other acts of violence and will assume responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations, and discipline violators.

It was on the basis of these assurances that Prime Minister Rabin, among other things, recognized the PLO.

We are deeply concerned at the continuing, coordinated campaign of Palestinian violence. That campaign leads us to believe that Arafat either seeks to use violence as a negotiating tool to extort even further concessions from the Government of Israel or that he in fact intends to end the peace process in its entirety as a prelude to a unilateral declaration of Palestinian statehood.

This stands in contrast to what the Government of Israel has sought throughout this crisis. We note, for example, that the Government of Israel proposed unprecedented compromises to achieve a final peace agreement. Despite subsequent provocations, despite the violence, despite the wanton destruction of Joseph's Tomb - a revered Jewish holy site - Israel has sought to see the violence stopped so that peace negotiations could be resumed. Yet, Arafat has failed to issue a statement to the Palestinian community that violence is unacceptable, unlike Prime Minister Barak, who has said publicly that "I urge our Jewish citizens to refrain from attacking Arabs and their property under any circumstances."

We urge you to express American solidarity with Israel at this crucial moment, to condemn the Palestinian campaign of violence, to do everything possible to secure the return of the three kidnapped Israeli soldiers from Lebanon, and to stand with Israel in international arenas—not only because we should but because such actions are also the best way to restore the negotiating process. Arafat must understand that he will achieve none of his political objectives through violence, that a unilateral declaration of statehood will not be recognized by the United States, that only through negotiations can the Palestinians' legitimate political aspirations be realized, and that abandoning the negotiating process will have serious repercussions.

This is a very dangerous hour in the Middle East. America's open and abiding commitment to the security of Israel is the surest way to see our way safely through it.



**PAX CHRISTI AND JERUSALEM, APPEAL TO MEMBERS OF PARLIAMENT
AND MINISTERS OF FOREIGN AFFAIRS WITHIN THE EUROPEAN UNION,
13 OCTOBER 2000**

We, development agencies, solidarity groups and human rights organisations, appeal in this letter to the European Union to play a stronger political role in the Oslo process. In our opinion, the EU's political efforts should be directed towards the enforcement of international rights, the promotion of a viable Palestinian state and Jerusalem as the capital of two states.

We hope, bearing in mind the preparations for the forthcoming top conference in Marseille (the 14th of November), that you will make a stronger effort to ensure a more prominent role of the EU. We would appreciate it if you would appeal to the EU to play a more powerful part in the peace process, also bearing in mind the meeting of the General Council on the 9th and 10th of October.

The pressure that has arisen in the negotiation process with regard to time is, to our mind, a matter of concern. The weakened position of Prime Minister Barak and President Clinton's threat to move the American Embassy to Jerusalem contrary to Security Council resolutions, makes the arrival at an agreement that does justice to the legitimate Palestinian and Israeli wishes, improbable.

In the report recently published by, amongst others, Pax Christi and Cordaid, Towards a stronger role of the EU in the Middle East Peace Process (see supplement), there is once again a reference to the Israeli government's unilateral demographic and geographical alteration in the status quo in and around Jerusalem, which is in breach of international legislation. This includes the establishment of settlements in Israeli occupied territory and the refusal of residence permits to Palestinians temporarily living outside Jerusalem as a result of failure to obtain building permits. Our report states that as a result of this political 'fait accompli' stance, a new political reality in and around Jerusalem has been created, which is having an immense impact on the negotiation process.

The European Union has failed to condemn this policy by taking strong measures and is therefore supporting a policy that is contrary to international legislation. A situation has been established in which the negotiation process is being dominated not by international legislation but by the unequal

balance of power between Israel and Palestine. It is questionable whether the outcome of this process will offer any guarantee of a durable and just peace.

A durable and just peace is being further hindered by a continuous erosion of the political credibility of the Palestinian leadership, which is guilty of violation of human rights. In our opinion, these violations also call for strong condemnation. We feel that it is of utmost importance that the Dutch government and the EU uphold the principles that should form the basis for a more prominent political role of the EU. These legislative principles are:

- The right for Palestinian refugees to return - this implies no obligation to return - as set out in the UN resolution 194;
- The recognition of the Palestinian people's right to autonomy and Israel's right to secure and recognised borders;
- The right to the safeguarding from annexation of occupied territory and from enforced changes to the demographic structure, including to East-Jerusalem, as set out in the fourth Geneva Convention;
- The principle, as set out in the UN resolutions 242 and 338 and ratified by Israel and the PLO in the Oslo agreements, in which Israel is called upon to withdraw from the territories occupied since 1967;
- The respect for human rights by all parties, implying that the civil and political rights as well as the economic, social and cultural rights of the entire population be guaranteed. This includes the right to unrestricted movement of goods and people, the right to health care and work and the right to a free choice of religion.

The government should re-establish these legal principles as the basis for a durable and just peace and propose the same for them in their contact with the Israeli and Palestinian authorities and within the European Union.

The acceptance of these principles implicitly assumes an obligation on the part of the Dutch government to strive for efforts in this area. We would like to further specify these efforts and make four concrete recommendations:

- We ask our government to request re-establishment of the diplomatic protocol within the EU. This would involve paying a visit to the Orient House in East-Jerusalem when visiting the region, thereby expressing the importance of international legislation.
- We ask our government to request a monitoring mechanism to ensure the observance of human rights that, by use of fact-finding on an annual basis, monitors the observance of article 2 of the Euro-Mediterranean Association agreements.
- We also ask our government to put the observance of the territorialism clause 83 of the Association Agreement between the EU and Israel on the agenda of the Association Council, and to enforce this observance if necessary by a temporary suspension of trade privileges now that it has become apparent that, contrary to the agreement, Israel is benefiting from the privileges of products originating from the occupied territory. The acceptance of this practice forms a dangerous precedent as the claim of the Israeli government, i.e. as if that products originated from Israeli territory, is also silently accepted.
- Finally, we call on the member states of the EU to have the General Meeting of the UN ask the advice of the International Law Court in The Hague as soon as possible, about the explanation and application of UN resolutions with regard to the division of the Palestinian mandate area between Israel and Palestine.

The declaration of a State of Palestine should include it being viable, stated the EU in its Berlin Declaration (the 24th -25th March 1999). The term viable is to our mind insufficiently defined. We are of the opinion that a viable state should meet the following criteria:

- A State of Palestine should be an expression of the aforementioned international legislative principles, particularly the right to autonomy and the right of return for refugees;

- The territorial integrity and total sovereignty must be assured;
- The State should have legitimate leadership that respects human rights;
- The State should have sufficient land for its population and should have access to water and other natural resources;
- Furthermore, the State of Palestine must be given unimpeded access to international markets;
- Palestinians must have freedom of movement in their country including East-Jerusalem.

We consider it important that the government clarifies exactly what can be understood by the term viable state, considering that this viability is a *conditio sine qua non* for long-lasting peace. For this reason the government should clarify exactly what it means by a viable state. They should introduce this perception in the preparatory discussions for the inter-ministerial conference of EU ministers in Marseille, planned for the 14th of November 2000, in order that the EU as a community should also speak out about this question.

In our opinion, the government should be critical of a situation in which the State of Palestine is declared, despite the inability to guarantee the viability of such a State. We would like them to consider whether in this eventuality a temporary or conditional recognition of the State would be a possibility. The preconditions in such a situation could cohere with the requirements for a viable State as laid out previously.

We would also like to make a few concrete recommendations with regard to the State of Palestine:

- We would like the government's opinion on the initiative to make any final agreement between Israel and the PLO dependent on a Palestinian referendum. If the government is in favour of this, will this proposition be introduced in Marseille?
- We also request that the government as a member state of the EU introduce initiatives aimed at the good rule of the Palestinian Authority.
- We specifically have in mind support in the development of the Palestinian constitution and strengthening of the role and position of the Palestinian Legislative Council (PLC) by way of visits to the PLC and by granting the PLC a vote in the case of allocation of EU funds.
- We also request the government to contribute to the viability of the State of Palestine by means of financial support of initiatives for economic development and democratisation.
- Finally, we would request the government to facilitate the implementation of the Association Agreement between the EU and the PLO by ensuring unimpeded easy access of Palestinian export products to the European market. To achieve this, political pressure on the Israeli authorities is imperative.

We would finally like to make a few comments regarding the status of Jerusalem. We think that Jerusalem could become a capital city of two states. A city where people of various political and religious beliefs are free to travel and take up residence, where Palestinian home rule is established and from where an unimpeded movement of people, goods and capital with the West Bank and Gaza is possible. We fully understand that the negotiations regarding the status of Jerusalem are part of an extremely delicate process and that the outcome, particularly for the parties directly involved, must be determined within the framework of international legislation. Yet we remain convinced that our government and the EU have a role to play. We venture a few suggestions:

- The EU must in no way recognise the changed circumstances in and around Jerusalem, which are contrary to international legislation. That implies, amongst other matters, cancellation of annexation politics, protest against the intended move of the American embassy to West Jerusalem and the paying of visits to East Jerusalem, even if the Israeli authorities apply pressure to prevent any such visits.
- We would ask you to consider in which ways the government and the EU could contribute to the development of an infrastructure that would link East Jerusalem with the surrounding Palestinian land.

With kind regards, we remain yours faithfully



**PRESBYTERIAN CHURCH (USA), OFFICE OF THE GENERAL ASSEMBLY,
STATEMENT REGARDING THE RECENT CYCLE OF VIOLENCE
IN PALESTINE, 14 OCTOBER 2000**

Dear President Clinton (cc: Secretary Albright),

We are dismayed by the terrible cycle of violence that has been unleashed among Palestinians and Israelis as a result of the visit of Ariel Sharon, following noontime prayers, to Al-Haram Al-Sharif/The Temple Mount. The events of recent days have all but crushed the hopes and aspirations of people around the world that Palestinians and Israelis could learn to live together in safety. The havoc that has been wrought may, in fact, be the death knell, not only for what was achieved in Oslo, but also for the possibilities for your own massive investment in bringing about a peaceful resolution.

Numerous General Assemblies of the Presbyterian Church (USA) have expressed concern for the recurring conflict in the Middle East and have repeatedly supported, prayed for and affirmed every effort directed toward the establishment of a just and enduring peace. We have consistently called for the self-determination of Palestinians, including their right to an independent and sovereign state, security for Israel and a Jerusalem shared by both Israelis and Palestinians and freely open to their three religions, Judaism, Christianity and Islam. We have worked diligently to understand and to interpret a situation that is both difficult because of the region's historic complexity and hopeful because the religions of its peoples are grounded in the faith that God is sovereign over history and destiny.

While we deplore hostage taking and the brutalization and murder of Israeli soldiers, such acts simply do not justify the unconscionable, massive retaliation of the Israeli military, including indiscriminate shooting of children and adults on the streets, the denial of access to emergency medical care and relief supplies from the international community, and the rocket attacks on apartment buildings containing innocent civilians. Surely you can understand the frustrations of Palestinian Christians and Muslims forced to live under a clear form of apartheid, in which their land has been expropriated and turned into hostile illegal settlements, their workers denied access to their jobs, their homes destroyed and their basic human and civil rights denied.

We are writing to you with special concern over the fact that the United States has stood for many years in a unique position of opportunity in resolving the conflict in the Middle East. There has been much rhetoric about the desire of the U.S. to be "an honest broker" between the parties. We regret to say that in recent months, that possibility seems to have faded in the face of what many in the Middle East and around the world see as a bias toward Israel and as a declaration of support for Israel's continued occupation of Palestinian land and of Israel's intention to use extraordinarily violent means to stop the backlash against their abuse of the Palestinian people. In this regard, we call upon you to disassociate yourself from the stance that appears to blame the victims of this long-term oppression, as the primary cause of the violence.

We urge you in the strongest possible terms to use whatever influence is left to you in this situation, working with the United Nations and the whole international community, to find a resolution to this conflict that is marked by justice for the Palestinian people, without which there will never be peace in the region. We pray that as you enter the pending summit in Cairo, you will be prepared to insist on the right of the Palestinian people to independent existence in their own sovereign state with a capital of their own choosing, to the security of the people of Israel, and a Jerusalem that is shared by Israelis and Palestinians alike, open to the great faiths of Judaism, Islam and Christianity.

May God grant you the strength and the courage to do everything possible in the cause of a just and lasting peace.

Respectfully,

Clifton Kirkpatrick,
Stated Clerk



UNITED STATES CATHOLIC CONFERENCE, COMMITTEE ON INTERNATIONAL POLICY, STATEMENT BY CHAIRMAN CARDINAL BERNARD LAW ON 'WOUNDED PEACE: CONFLICT IN THE HOLY LAND', WASHINGTON, 16 OCTOBER 2000

*A voice was heard in Ramah, sobbing and loud lamentation:
Rachel weeping for her children, and she would not be consoled,
since they were no more. (Jer.31:15 in Mt.2:18)*

The violence that has swept the Holy Land these last days has gravely wounded hopes for peace in the Middle East, and has left a disturbing number of victims, especially children. All the victims and their families, Palestinian and Israeli alike, need our prayers. Their suffering is tragic testimony, if any were needed, to the importance of today's summit meeting and other efforts to end the violence and revive the peace process.

This is not a time for blame and recrimination. It is a time to break the escalating cycle of violence, and to uncover the embers of hope that remain for a just peace. It is a time for moral leadership, at every level of Israeli and Palestinian society, that can look beyond the crisis of the moment lest hatred and revenge today poison the opportunities for peace tomorrow.

Support must be given those who, in the midst of conflict, stand against violence and for the peace which the Holy Land should symbolize. As Latin Patriarch Michel Sabbah reminds us: "This is a holy land, a land of faith and prayer. It is written nowhere that it should remain a land of hatred and blood. On the contrary, in the mercy of God, this land is determined to be a land of redemption and love."

Religious leaders bear a special obligation to work unceasingly for peace, especially when religious symbols are under attack and are used to provoke and incite. We have been distressed by attacks on shrines and places of worship in the Palestinian Territories and Israel, beginning with Joseph's Tomb, and including, among others, attacks on mosques in Tiberias and Jaffa, a Catholic church in Beit Hanina, and a synagogue in Jericho. As children of the one God, with a common love for the Holy Land, our respect for the holy sites demonstrates our reverence for God among us.

Today's summit and the many other political initiatives to end the violence and restart the peace process should be a reminder of the importance of the Holy Land for all humanity, and how vital the peace of Jerusalem is to the peace of the world. At the same time, the failure to reach a political settlement and the violence of recent weeks remind us that peace cannot be achieved without justice and justice cannot be secured by violence. The peace process must satisfy the particular, legitimate, and reasonable aspirations of both peoples, and must respect principles of justice.

A first step is for leaders on both sides to do more to escape the cycle of violence, including unequivocally condemning and effectively controlling mob violence, especially of their own people; halting the excessive use of force; and avoiding other actions that further exacerbate the conflict. It would also be helpful if both sides could work together to establish an international commission, whose members would be mutually agreed upon, to examine the cause of the current violence and to search for ways to avoid such bloodshed in the future.

With our Holy Father, we "pray to God that the people and leaders of the region may return to the path of dialogue and rediscover the joy of feeling themselves to be children of God, their common Father." We pray especially for men and women who, despite the odds, work to help Israelis and Palestinians regain the road to peace together. Blessed are they "who guide our feet into the way of peace." (Is.1:16; Lk.1:19)



EGYPTIAN PRESIDENT HOSNI MUBARAK, CONCLUDING REMARKS AT THE MIDDLE EAST PEACE SUMMIT, SHARM ESH-SHEIKH, EGYPT, 17 OCTOBER 2000

[Following the outbreak of Palestinian violence, triggered by Ariel Sharon's provocative visit of the Al-Aqsa Compound on 28 Sept. 2000, negotiations and security cooperation between the two sides was suspended. US Pres. Clinton convened a summit at Sharm Esh-Sheikh, at which both parties agreed to resumption of security cooperation, easing of Israeli restrictions on Palestinian life and an effort to curb the violence. At the insistence of the Palestinian side, a commission was set up to investigate the causes of the violence and to make recommendations. See also following document.]

In the name of God Almighty; to His Excellency, Bill Clinton; His Highness, King Abdullah; Your Majesty, King Hussein; His Excellency, Prime Minister Barak; Mr. Chairman Arafat; U.N. Secretary General Kofi Annan; Mr. Javier Solana, high representative of the European Union: we spent the past two days since we started our summit in constructive discussions and extensive dialogue about all the aspects of the escalating situation in the occupied Palestinian territories - discussions aimed at restoring the situation back to normal, through withdrawing the occupying forces, lifting the blockade, putting an end to violent acts - taking measures aiming at restoring trust and confidence to the two Palestinian and Israeli sides, with a view to resuming the peace efforts after the situation is stabilized in the region.

Before I give the floor to His Excellency, President Bill Clinton, the President of the United States of America, in his capacity as the key sponsor of the peace process, to present his report on the outcome of our relentless efforts over the two days, I would like to stress the fact - I would like to stress a number of key points that we should take into account in the stage to come.

First, the outcome we have reached in this summit may not meet the expectations of all peoples. However, they constitute at the same time a basis on which we can build, if we have good intentions, and if the real desire to achieve peace is there.

Secondly, the most important thing in the vision of all peoples in the days to come is the extent to which the two parties are committed to implement what has been agreed upon precisely, and how far they are willing to push the peace process forward. Hence, the following days will witness redeployment of the Israeli forces, lift the blockade imposed on three million Palestinian people, reopening airports, ports, crossing points, in order to pacify the Palestinian streets and bring matters back to normal.

Number three, our ultimate objective must and will be reaching a just and comprehensive peace. We do appreciate the leading role assumed by the United States of America, the key sponsor of the peace process, and the sponsorship of Mr. Bill Clinton. And we highly commend the role he assumed, including his strenuous efforts he exerted during this summit, which were crowned in reaching an agreement.

It's my fervent hope that the peace process will go on as planned, and that we avoid having recourse to provocative acts, confrontations. Rather, we have to establish a constructive dialogue in order to settle all the unresolved problems, to arrive at a peace agreement in a context of full respect of religious sanctities, and the right of peoples to live in peace and stability.

And now I give the floor to His Excellency, President Bill Clinton, the President of the United States of America.



US PRESIDENT BILL CLINTON, CONCLUDING REMARKS AT THE MIDDLE EAST PEACE SUMMIT, SHARM ESH-SHEIKH, EGYPT, 17 OCTOBER 2000

[See also preceding document.]

First of all, I want to thank President Mubarak and his able team for making it possible for us to have this meeting that we have held in this magnificent and beautiful place. I especially want to thank

President Mubarak for Egypt's consistent and pivotal partnership in the peace process and for playing a critical role in our efforts here. I also want to thank His Majesty King Abdullah for his steadfast leadership for peace, which again was in evidence.

I would like to thank the E.U. High Commissioner Javier Solana, my longtime friend, who worked with me to bring an end to violence in the Balkans, and now is working in the Middle East. And especially I want to thank Secretary General Kofi Annan, who has been here now in the region for more than a week, and who has worked tirelessly to bring an end to violence and to make this meeting possible.

But of course, the greatest credit for the progress we have made today belongs to Prime Minister Barak and Chairman Arafat, who have had to overcome the difficulties of these last several days. And we all recognize that theirs was the primary decision to make.

Our meeting has not been easy because the last two weeks have been so hard. A tragic and terrible confrontation costing many lives and injuries, threatening everything that we have worked to achieve between Israelis and Palestinians and throughout the region and over the past seven years now.

Even as we meet, the situation in the territories remains tense. Yesterday again was violent.

This is a reminder of the urgency of breaking the cycle of violence. I believe we have made real progress today. Repairing the damage will take time and great effort by all of us.

When we leave here today, we will have to work hard to consolidate what we have agreed. Let me summarize what has been agreed so there will be no misunderstanding.

Our primary objective has been to end the current violence so we can begin again to resume our efforts towards peace. The leaders have agreed on three basic objectives and steps to realize them.

First, both sides have agreed to issue public statements unequivocally calling for an end of violence. They also agreed to take immediate, concrete measures to end the current confrontation, eliminate points of friction, ensure an end to violence and incitement, maintain calm, and prevent recurrence of recent events.

To accomplish this, both sides will act immediately to return the situation to that which existed prior to the current crisis, in areas such as restoring law and order, redeployment of forces, eliminating points of friction, enhancing security cooperation, and ending the closure and opening the Gaza airport. The United States will facilitate security cooperation between the parties as needed.

Second, the United States will develop with the Israelis and Palestinians, as well as in consultation with the United Nations Secretary General, a committee of fact-finding on the events of the past several weeks and how to prevent their recurrence. The committee's report will be shared by the U.S. President with the U.N. Secretary General and the parties prior to publication. A final report shall be submitted under the auspices of the U.S. President for publication.

Third, if we are to address the underlying roots of the Israeli- Palestinian conflict, there must be a pathway back to negotiations and a resumption of efforts to reach a permanent status agreement based on the UN Security Council Resolutions 242 and 338 and subsequent understandings. Toward this end, the leaders have agreed that the United States would consult with the parties within the next two weeks about how to move forward.

We have made important commitments here today against the backdrop of tragedy and crisis. We should have no illusions about the difficulties ahead.

If we are going to rebuild confidence and trust, we must all do our part, avoiding recrimination and moving forward. I'm counting on each of us to do everything we possibly can in the critical period ahead.

I am sure it will be a disappointment to some of you, but one of the things that all the leaders agreed was that our statement should stand on its own and we should begin by promoting reconciliation and avoiding conflict by forgoing questions today.

Thank you very much.



**ISRAELI PRIME MINISTER EHUD BARAK, REMARKS AFTER THE
CONCLUSION OF THE SHARM ESH-SHEIKH SUMMIT,
SHARM ESH-SHEIKH AIRPORT, 17 OCTOBER 2000 [EXCERPTS]**

We have achieved our goals at this summit, and we thank the President of the United States for his efforts to convene the summit at Sharm el-Sheikh. The goals are: first, a concerted effort to end the violence of recent days. Second, the prevention of the establishment of an international commission of inquiry, focusing rather on an examination of the facts using the formula that we agreed upon in Paris. Of course, these two matters will be put to the test, in their implementation on the ground, and we will judge the entire situation on the basis of this implementation.

The test will be in the implementation, and not in gestures. I advise all of us to pay less attention to gestures, and to focus on the reality. There is a whole list of detailed understandings regarding actions to be taken on the path to the calming of the situation. If the Palestinian side will comply with the understandings, we will do our share, and calm is indeed restored, this will be a very important change. The test, once again, is in the implementation of these understandings...

We are talking about a major change in reality that has to come about. We are concerned for the State of Israel. If the situation continues, and we see that we have no partner, then we will know what action to take, as in any other situation. The events which we have experienced in the last two weeks have left an imprint on our memories, and we will proceed cautiously. I believe that the Americans have also made their position clear. In the next two weeks, they intend to examine whether and upon what basis it will be possible to resume the contacts...

We have a test before us. The outcome will be influenced by every comment and guess that we make, and not necessarily for the better. There are understandings, the President made a declaration, there is American involvement in the monitoring of these matters. It is crucial for the State of Israel and its citizens that the violence come to an end, if this is possible...

The issues of the collection of illegal weapons and the rearrest and imprisonment of Palestinian terrorists are part of existing agreements, which we expect to see implemented. I do not want to list every detail of the trilateral Israeli-Palestinian-American security understandings. We will all wait and see. If this leads to a reduction in the violence, then we have a great achievement. If the reduction in violence does not come about, then Israel will have made a necessary effort to find a way to reduce the violence - and I say this in sorrow. We will know what action to take in any situation.



UN GENERAL ASSEMBLY, RESOLUTION ES-10/7, NEW YORK, 20 OCTOBER 2000

The General Assembly,

Reaffirming the resolutions of its tenth emergency special session and the necessity of full implementation of those resolutions,

Welcoming the adoption by the Security Council of resolution 1322 (2000) of 7 October 2000, and stressing the urgent need for full compliance with the resolution,

Expressing its deep concern over the provocative visit to Al-Haram Al-Sharif on 28 September 2000 and the tragic events that followed in Occupied East Jerusalem and other places in the Occupied Palestinian Territory, which resulted in a high number of deaths and injuries mostly among Palestinian civilians,

Expressing its deep concern also over the clashes between the Israeli army and the Palestinian police and the casualties on both sides,

Reaffirming that a just and lasting solution to the Arab-Israeli conflict must be based on Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, through an active negotiation process which takes into account the right of security for all States in the region, as well as the legitimate rights of the Palestinian people, including their right to self-determination,

Expressing its support for the Middle East peace process and the efforts to reach a final settlement between the Israeli and the Palestinian sides, and urging the two sides to cooperate in these efforts,

Reaffirming the need for the full respect by all for the Holy Places of Occupied East Jerusalem, and condemning any behaviour to the contrary,

Reaffirming also the need for the full respect by all for the Holy Places in the rest of the Occupied Palestinian Territory, as well as in Israel, and condemning any behaviour to the contrary,

Determined to uphold the purposes and principles embodied in the Charter of the United Nations, international humanitarian law and all other instruments of international law, as well as relevant resolutions of the General Assembly and Security Council,

Reiterating the permanent responsibility of the United Nations for the question of Palestine until it is solved in all its aspects,

Conscious of the serious dangers arising from persistent violations and grave breaches of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 1/ and the responsibility arising therefrom,

Stressing the urgent need for providing protection for the Palestinian civilians in the Occupied Palestinian Territory,

Noting the convening, on 15 July 1999, for the first time, of the Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, at the United Nations Office at Geneva, and welcoming the statement adopted by the participating high contracting parties,

1. *Condemns* the violence that took place on 28 September 2000 and the following days at Al-Haram Al-Sharif and other Holy Places in Jerusalem as well as other areas in the Occupied Palestinian Territory, resulting in the deaths of over 100 people, the vast majority of whom were Palestinian civilians, and many other casualties;
2. *Condemns also* acts of violence, especially the excessive use of force by the Israeli forces against Palestinian civilians;
3. *Expresses support* for the understandings reached at the summit convened at Sharm el-Sheikh, Egypt, and urges all parties concerned to implement these understandings honestly and without delay;
4. *Demands* the immediate cessation of violence and the use of force, calls upon the parties to act immediately to reverse all measures taken in this regard since 28 September 2000, and acknowledges that necessary steps have been taken by the parties in this direction since the summit of Sharm el-Sheikh;
5. *Reiterates* that Israeli settlements in the Occupied Palestinian Territory, including Jerusalem, are illegal and are an obstacle to peace, and calls for the prevention of illegal acts of violence by Israeli settlers;
6. *Demands* that Israel, the occupying Power, abide scrupulously by its legal obligations and its responsibilities under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, 1/ which is applicable to all territories occupied by Israel since 1967;
7. *Strongly supports* the establishment of a mechanism of inquiry into the recent tragic events, with the aim of establishing all the precise facts and preventing the repetition of these events, and in this regard strongly supports also the understanding reached at Sharm el-Sheikh about a committee of fact-finding, and calls for its establishment without delay;
8. *Supports* the efforts of the Secretary-General, including his efforts for the establishment of the above-mentioned committee, and requests him to report to the Assembly on the progress made in these efforts;

9. *Calls upon* the members of the Security Council to follow the situation closely, including the implementation of Council resolution 1322 (2000), in fulfilment of the Council's primary responsibility for the maintenance of international peace and security;
10. *Invites* the depositary of the Fourth Geneva Convention to consult on the development of the humanitarian situation in the field, in accordance with the statement adopted on 15 July 1999 by the above-mentioned Conference of High Contracting Parties to the Convention, with the aim of ensuring respect for the Convention in all circumstances in accordance with common article 1 of the four Conventions;
11. *Supports* the efforts towards the resumption of the Israeli-Palestinian negotiations within the Middle East peace process on its agreed basis, and calls for the speedy conclusion of the final settlement agreement between the two sides;
12. *Decides* to adjourn the tenth emergency special session temporarily and to authorize the President of the General Assembly at its most recent session to resume its meeting upon request from Member States.



**CROWN PRINCE ABDULLAH OF SAUDI ARABIA, SPEECH AT THE
ARAB LEAGUE EMERGENCY SUMMIT, CAIRO, 21-22 OCTOBER 2000**

[The speech was notable for its proposal to establish two funds, totaling \$1 billion, to support the Palestinians, and for its criticism of the US].

Excellency, President Hosni Mubarak, Distinguished Leaders,

We meet today representing the aspirations and anguish of our great people. And therefore we must be true to the honor of our history and the fulfillment of the ambitions of the Arab nation.

I remind you of the trust and responsibility which we all have to bear. We must refuse any resolutions that do not bestow honor on its maker. Ideals cannot be compromised, and honor cannot tarnish for, only what is of value is durable; what is fake is perishable, as stated in the holy Quran "For the scum like forth cast out; while that which is for the good for the mankind remains on the earth".

Dear Brothers,

In the name of the Almighty, I beseech each and everyone of you to deeply search his soul and invoke his noble Arab heritage, to stand united behind our people to uphold justice. Our rights are self-evident and clear and therefore must devote ourselves to their attainment.

From this podium, I declare to you and the whole world that the government and the people of Saudi Arabia shall not be a party to any decisions that overlook the aspirations of our people and that are taken solely for absorbing the anger in the Arab world and deflecting us from the attainment of our objective.

Mr. President,

If our previous meetings were held in response to critical circumstances, our present gathering is different. The situation facing us today is not only critical and grave, but carries ominous dangerous warnings that threaten to turn the area a new round of violence and instability.

We do face difficult options. But such options are not between a demeaning submission, nor an acceptance of a confrontation that is not of our making and choosing. The option we must take is the option of standing steadfastly and firmly in upholding our principles and legitimate rights. It is the option that rejects the imposition of political and military coercion. It is the option of independent choice and independent action.

In this regard, permit me, your Excellency, to define what could make up the aspects of the position which we must endeavor to adopt in this Summit.

First, our support for our Palestinian brothers, should not only be political and moral. It should include all possible means. Accordingly we propose the establishment of a special trust under the name of "The Jerusalem Intifada Fund" with a capital of 200 million US dollars. This amount will be allocated, to the families and the education of the children of the Palestinian martyrs who sacrificed their lives in the struggle. We further propose the establishment of a fund under the name of "Al-Aqsa Fund" in the amount of 800 million dollars, to finance projects that safeguard and constantly preserve the Islamic and Arabic identity of Al-Quds, and enabling our Palestinian brothers to stand on their own and release them from dependence on Israel. I would like to announce, in the name of the custodian of the Two Holy Mosques and the people of Saudi Arabia, that the Kingdom of Saudi Arabia shall contribute 25% of the amount allocated to these two funds.

I would like also to announce that the people of Saudi Arabia, headed by the custodian of the Two Holy Mosques, shall undertake to sponsor and support one thousand Palestinian families of the martyred and wounded in the Al-Aqsa Intifada.

Second, East Jerusalem is an Arab and Islamic cause. It cannot be the object of bargaining or abandoned, under any circumstances. It is an integrated part of the Arab occupied territories, subject to all relevant Security Council resolutions. The responsibility to retain Al-Quds, and the liberation of the occupied territories is shared by all of us. There is no hope to undertake this role if we do not stand resolutely united, overcome our differences, and resist those endeavor to weaken our solidarity by sowing the seeds of dissension among us.

Third, the United States of America in its capacity as the sponsor of the peace process has a special responsibility for the collapse of this process. This is so because sponsorship obligates the sponsor with the duty of assuring the appropriateness of the course of the peace process, and to hold accountable those responsible for its derailment from the prescribed path.

We have been anticipating after, the positive stand of the Arab side and the spirit of commitment demonstrated by them towards the peace process, that the Israeli side would be chastised or at least blamed for its intransigence and its unacceptable conduct and practices which negate the principles and bases of the Madrid peace conference, and violate the terms of the agreements concluded with the Palestinian side.

Four, as a response to the Israeli actions and the inability of the world community to contain and prevent them, it is only natural to refrain from establishing any relations with Israel and the cancellation of any existing ties or links that have been established under the umbrella of the peace process whose requirements were totally neglected by Israel. As a prerequisite to any resumption of the relations, we deem it necessary to attain real achievements in the peace process not only on the Palestinian track but on all other tracks.

Dear Brothers,

I have to be frank and candid with you, and state what I feel is right, as Allah is my witness. I don't think that any of us shall ever forget as long he lives the image of fear and terror portrayed on the innocent face of Mohammed Al-Dorra before he took his last breath. I shall never forget what I saw in the hospitals of the Kingdom. There, I saw torn bodies, missing eyes, and the broken arms and limbs resulting from explosive bullets.

It is incumbent upon me to describe my feelings as obligated by my duty to my religion, my country, and the Arab-Islamic nation. If I am wrong, it is my fault. If I am right it is by the grace of Allah Almighty.

I conclude this statement, by praying to Allah to guide us to the righteous path, and help us to achieve all that is blessed and worthwhile to our Arab nation, and bestow upon us guidance and wisdom.

Thank you so much.



**FINAL COMMUNIQUÉ OF THE EXTRAORDINARY ARAB
SUMMIT CONFERENCE, CAIRO, 22 OCTOBER 2000**

*[The conference, held four days after the Sharm Esh-Sheikh summit on 21-22 Oct. 2000
at the request of Pres. Yasser Arafat and hosted by Pres. Mubarak, called for a
UN investigation of alleged Israeli war crimes and praised the Intifada.]*

At the urgent invitation of His Excellency Mr. Mohamed Hosni Mubarak, President of the Arab Republic of Egypt, acting in his capacity as Chairman of the Extraordinary Arab Summit Conference held in Cairo in 1996, the heads of State of the Arab countries held an extraordinary meeting in Cairo on 21 and 22 October 2000.

This Summit is being convened in circumstances that are of great importance in the history of our Nation and at a new stage in the lives of its peoples, after grave complications because of which the peace process between the Arabs and Israel has broken down and with Israel having transformed the peace process into a war against the Palestinian people in which it is using military force to blockade and isolate that people and hold it hostage within the West Bank and the Gaza Strip.

The Summit hails the Intifada of the Palestinian people in the occupied Palestinian territories that has given unequivocal expression to the bitterness of frustration following long years of expectation and anticipation focused on the outcome of a political settlement that failed to bear fruit because of Israel's intransigence and procrastination and its aversion to discharging its obligations. The Arab leaders invoke the mercy of God upon the souls of the Palestinian martyrs, and they regard their pure blood as a precious hoard set by for the liberation of the land, the establishment of the State and the achievement of peace.

The Arab leaders commend the response of the Arab masses, from the Atlantic Ocean to the Arabian Gulf, to the Intifada of the valiant Palestinian people, and they acclaim the evident national consensus they have reached in standing together to condemn the Israeli aggression and the savage actions taken by the occupation forces. The stirring of the Arab masses is an expression of latent patriotic sentiments and of strong solidarity with the struggle of the Palestinian people for its sovereignty, its dignity and those things it holds sacred.

The Arab leaders hold Israel responsible for returning the region to a climate of tension and to manifestations of violence as a result of its practices, its assaults and its blockade of the Palestinian people in violation of its obligations as the occupying Power under the terms of the fourth Geneva Convention of 1949. Such conduct is also in flagrant violation of the norms of international law and is destructive of efforts to build peace in the region, and the rulers of Israel have handled the Jerusalem issue with a disdain that satisfies a passion for irresponsible display and deliberate provocation based on a repulsive racism. The Arab leaders call upon Israel to halt forthwith all of its provocative practices and to desist from its policy of repression directed against Arab civilians.

The Arab leaders affirm that the Al-Aqsa Intifada has broken out as a result of the maintenance and perpetuation of the occupation and because of Israel's encroachments on the Haram al-Sharif in Jerusalem and on the other Islamic and Christian Holy Places in the occupied Palestinian territories. The Arab leaders bring to mind with reverence, as they recall to the world, the martyrs who have sacrificed their lives in defence of their occupied land and the things they held sacred without heed for the war machine deployed by Israel to confront the unarmed, defenceless Palestinian people. They affirm the right of the Palestinian people to exact just compensation from Israel for the damage and the human and material losses it has sustained.

In response to a proposal by the Kingdom of Saudi Arabia, they hereby decide to establish two funds. The Al-Aqsa Fund will be allocated a sum of 800 million dollars for the funding of projects designed to preserve the Arab and Islamic identity of Jerusalem and prevent its loss and to enable the Palestinian people to disengage from its subordination to the Israeli economy. The Al-Quds Intifada Fund will have a capital of 200 million dollars to be allocated for disbursement to the families of Palestinian

martyrs fallen in the Intifada and for providing the means necessary for the care and education of their children. They express their deep appreciation to The Custodian of the Two Holy Mosques for his decision that the Kingdom will contribute one quarter of the total sum to be allocated to the two funds.

The Arab leaders call upon all members of the Arab Nation to donate one day's wages as a citizens' contribution to support for the Intifada and in order to assist the Palestinian national struggle at the crucial juncture at which our Arab Nation finds itself.

The Arab leaders call for the formation, within the framework of the United Nations, of an impartial international commission of inquiry to report to the Security Council and the Commission on Human Rights on the causes of and responsibility for the grave deterioration in the occupied Palestinian territories and the atrocities committed by the Israeli occupation forces against the Palestinian and Lebanese peoples and other Arab residents of the occupied territories. They stress in this connection the provisions of Security Council resolution 1322 (2000) of 7 October 2000, the resolution adopted by the Commission on Human Rights at its special session on 19 October 2000 and the resolution adopted by the General Assembly of the United Nations on 20 October 2000. They urge the Security Council to keep developments in the situation in the occupied Palestinian and Arab territories under review in the light of the threat that situation poses to international peace and security, and they call for the Security Council and the United Nations General Assembly to assume responsibility for providing the necessary protection to the Palestinian people under Israeli occupation by giving consideration to the establishment of a force or an international presence for this purpose, given that the United Nations bears permanent responsibility for the land and people of Palestine until such time as the Palestinian people secures the exercise of its inalienable rights in Palestine in accordance with international legitimacy.

The Arab leaders affirm that the Arab States will pursue, in accordance with international law, those responsible for the savage practices in question. They call upon the Security Council to establish an international criminal tribunal to prosecute the Israeli war criminals who perpetrated massacres of Palestinians and other Arabs in the occupied territories, on the same pattern as the tribunals established by the Council to prosecute war criminals in Rwanda and in the former Yugoslavia. They will continue their pursuit with a view to bringing them to trial in accordance with the provisions of the Statute of the International Criminal Court.

The Arab leaders express their extreme disapproval and condemnation of Israel's escalation in the hostile actions it was taking and the provocative attitudes it adopted at a time when the region was readying itself for a just and comprehensive peace, given that since the Madrid Conference the Arabs had decided that the option of a just and comprehensive peace would open the way to a final settlement to a heated conflict that had already lasted for more than half a century.

The Arab leaders condemn Israel's failure to respond to the peace option and its failure to make a vigorous endeavour for a just and comprehensive peace. They caution Israel against the pursuit of practices and actions that threaten the region's security and undermine its stability.

The Arab leaders affirm that the Nation has fixed principles that may not be violated, rights that may not be bargained away and goals for which they will never cease to strive in order to secure overriding Arab interests.

The Arab leaders affirm that peace must be based on the concepts of universality and justice as necessary preconditions if it is to be accepted and maintained. They affirm that this Arab position calls for a corresponding commitment on the part of Israel, which must meet it with an unequivocal stance based on compliance with the international rule of law in accordance with Security Council resolutions 242 (1967) and 338 (1973), United Nations General Assembly resolution 149 (III), [this is most likely General Assembly Resolution 194. – the ed.] concerning the right of Palestinian refugees to repatriation and compensation, the other relevant United Nations resolutions and the principles governing the peace process, primarily the principle of land for peace.

The Arab leaders affirm that a just and comprehensive peace can only ever be achieved with the return of Jerusalem to full Palestinian sovereignty and the acceptance of the legitimate rights of the Palestinian people, including the right to establish an independent State with its capital at Jerusalem - which is Palestinian territory that has been occupied since 1967 to say nothing of its spiritual significance and its religious status. All the occupied Arab territories must also be returned, and this includes Israel's full withdrawal from the West Bank and the Gaza Strip as well as from the occupied Syrian Golan Heights, to the line of 4 June 1967, complete withdrawal from southern Lebanon, including the Shab'a farmlands, up to the internationally recognized boundaries, the release of Arab prisoners and detainees in Israeli prisons in compliance with the relevant United Nations resolutions, and the removal of Israeli settlements in implementation of Security Council resolution 465 (1980).

In this context, the Arab leaders reaffirm their support for their brothers in Syria, Lebanon and Palestine. They affirm their commitment to their legitimate rights and to the restoration of all their occupied territories. They also affirm in this connection their rejection of any attempts to impose a peace that is unjust or lacking in balance on the basis of Israeli claims and at the expense of Arab rights and interests.

In the light of the setback to the peace process, the Arab leaders affirm their commitment to oppose with resolve Israel's attempts to penetrate the Arab world, under any designation, and to suspend the maintenance of any relations with Israel. They hold Israel responsible for the measures and decisions to be taken by the Arab States in connection with their relations with it, including their severance, such as will be required in order to counter the suspension of the peace process, the grave developments to which that has recently given rise and the complications it has caused in the Arab and Islamic arenas, until such time as a comprehensive and just peace is achieved.

While emphasizing that the halt to the peace process on all bilateral tracks has caused the suspension of the multilateral track, the Arab leaders affirm that issues of regional cooperation cannot be addressed without real progress towards a just and comprehensive peace in the region. The halt in the peace process caused by Israel's policy and by its provocative practices makes talk of a common future in the region untimely. They hereby decide not to resume or participate in any official or informal activity in the multilateral framework and to suspend all measures and activities for regional economic cooperation with Israel in this framework and to link their resumption and their scope to the attainment of tangible progress towards a just and comprehensive peace on all the tracks of the peace process.

The Arab leaders commend the decisions taken by the Al-Quds Committee of the Organization of the Islamic Conference, and in particular the final communiqué adopted at its most recent session held in Agadir, Morocco, under the chairmanship of His Majesty King Mohammed VI, reaffirming support for the stance taken by the State of Palestine based on commitment to sovereignty over East Jerusalem, including the Haram al-Sharif and all the Islamic and Christian Holy Places that are part and parcel of the occupied Palestinian territories, and to Jerusalem as the capital of the independent State of Palestine. The Arab leaders recall Security Council resolution 478 (1980), in which the Council urges the world's States to refrain from relocating their embassies to Jerusalem, and the resolution of the eleventh Arab Summit Conference, held in Amman in 1980, calling for the severance of all relations with States that relocate their embassies to Jerusalem or recognize the city as a capital of Israel.

The Arab leaders affirm that for lasting peace and security in the region to be achieved, Israel must accede to the Treaty on the Non-Proliferation of Nuclear Weapons and place all of its nuclear facilities under the international inspection and monitoring regime. They also affirm in this connection the extreme importance of ridding the Middle East region of nuclear weapons and of all weapons of mass destruction as a necessary and indispensable precondition for the establishment of any regional security arrangements in the future.

The Arab leaders express their conviction that ongoing changes in the international arena make it essential to reactivate joint Arab action and to reinforce and renew the League of Arab States and expand its institutions in order to enhance its future pan-Arab role.

In this context, the Arab leaders, meeting at this delicate juncture, decide to endorse the mechanism for the regular periodic convening of the Arab Summit as approved by the Council of the League of Arab States at its recent one hundred and fourteenth session and adopted in its final form by the meeting of Arab foreign ministers held in preparation for the present Summit. In accordance with the rotation by alphabetical order of the chairmanship for the convening of the periodic summits, the Arab Heads of State decide that the summit-level Council of the League of Arab States will meet at its thirteenth ordinary session in March 2001 under the chairmanship of the Hashemite Kingdom of Jordan in Amman, Jordan.

The Arab leaders express their confidence that the regular periodic convening of the Arab Summit will contribute to the promotion of joint Arab action in all fields, and particularly in the economic field where such action has become more pressing than ever in the light of the international and regional changes that make Arab economic integration an urgent necessity. This is particularly true given the human, natural and strategic resources the Arab countries possess, which would contribute to the achievement of economic stability in the region and in the world and promote rates of growth and the prosperity of peoples.

In concluding their Summit, the Arab leaders commended the spirit of complete solidarity that had prevailed in the conference and the constructive discussions to which all delegations had contributed in a way that reflected the deep sense shared by all - leaders, governments and peoples - of the gravity of the situation and of the importance of defining a unified Arab position to stand up firmly against Israeli threats in an endeavour to put the peace process back on the right road to a just and comprehensive peace in the region.

The Arab leaders expressed their high appreciation of the decision of His Highness Sheikh Hamad Bin Khalifa Al Thani, Amir of the State of Qatar, to bear the costs of the commission to inquire into human rights violations in the occupied Palestinian territories that had been established by the resolution adopted on 19 October 2000 by the Commission on Human Rights at its fifth special session, so that it would be able to achieve its objectives.

The Arab leaders affirmed their resolve to continue to utilize Arab capacities in the service of the Nation's causes and to make all of its resources available for the liberation of the occupied Arab territories, for support to the struggle of the Palestinian people to regain its land and establish its independent State on its national soil with Jerusalem as its capital, and for the preservation of Islamic and Christian Holy Places in Palestine. The Arab leaders agreed to continue their consultations in order to address ongoing developments confronting the Arab Nation.

The Arab leaders conveyed their deep thanks and appreciation to His Excellency Mr. Mohamed Hosni Mubarak, President of the Arab Republic of Egypt, as well as to the people of the Arab Republic of Egypt, for their kind hospitality and the warm reception given. They expressed their full appreciation of the way in which the conference had been organized and prepared, and they offered His Excellency President Mohamed Hosni Mubarak their best wishes and the people of Egypt continued progress and prosperity.



**PALESTINIAN ACADEMICS AND ACTIVISTS, URGENT STATEMENT
TO THE ISRAELI PUBLIC, 10 NOVEMBER 2000**

[The statement was signed by 121 Palestinians and published in Ha'aretz on 10 Nov.; signatories included Haidar Abdul Shafi, Hanan Ashrawi, Ibrahim Abu Lughod, Saleh Abdul Jawad, Naseer Aruri, Mustafa Barghouthi, Kamal Boullata, Jamil Hilal, Fouad Moughrabi, Raja Shehadeh, Mamdouh Nofal, Salim Tamari, and Elia Zureik.]

In February of this year, we, a group of Palestinian academics and activists, addressed an urgent call to the Israeli public. We expressed in it our fear that the Oslo peace process, as it had evolved over the past seven years, was inevitably leading to further conflict - perhaps even war - rather than to

our hoped for goal: a final historic reconciliation that would enable our two peoples to live in peace, human dignity, and neighborly relations.

We expressed our concern that the Oslo accords have been used by Israel, despite claims to the contrary, to create unprecedented expansion of settlements, almost double the settler population, and continue the expropriation of Palestinian land. Freedom of movement for Palestinians has been severely curtailed, while settler violence against our communities continues without restraint. Against this background, the Palestinian population has had no physical, legal, or political means of protection.

While military occupation is a palpable reality that affects us every day, it has been disguised under Oslo in ways that negate international law and the protection it might afford. We now live in a series of small, disconnected areas that are being posited as the emerging Palestinian state. The only way to expand these Bantustans, according to the distorted logic that has dominated negotiations, is for the Palestinian leadership to make concessions that would legitimize a number of Israeli demands in contravention to international law: to concede our national rights to East Jerusalem, allow settlements to remain in occupied territory, and renounce the right of return for Palestinian refugees.

The Israeli leadership (be it Likud or Labor) has continued to imagine that, given the massive military balance of force in its favor, it would be able to impose on the Palestinian Authority its unjust vision of a final settlement and pretend that the conflict is resolved in the eyes of the world. This delusion that a deeply unjust agreement can be made by Israel with President Yasir Arafat alone, who is then expected to force his people into accepting it, is profoundly shortsighted and has inevitably led to the critical situation that confronts us now.

Many of us were in the streets over these recent weeks, holding neither guns nor stones. We were holding candles to commemorate the deaths of our students, neighbors, and relatives who tried to make the world hear with their lives what we were unable to do with our words. The naive and dangerous notion that Palestinians took to the streets following Yasir Arafat's orders is not only an insult to our intelligence but also a clear sign of the lack of understanding of the reality in which we live.

We are deeply concerned that the conflict has, at times, dangerously spiraled into an ethnic/religious one, as the pogroms against Arab citizens of Nazareth, the lynching of the two Israeli soldiers in Ramallah, and the numerous mob attacks on synagogues and mosques have shown. The profoundly irresponsible and self-serving act of the Barak government in allowing Ariel Sharon onto the Haram al Sharif shows not just an alarming lack of judgement but also a total disregard for Palestinian, Arab, and Muslim sensibilities. The use of live ammunition against unarmed Palestinian civilians at demonstrations there the next day, and at protests ever since, shows total contempt for Palestinian life.

The stubborn and escalating use of Israel's overwhelming military power in order to crush the current uprising and terrify the Palestinian population into submission shows a dangerous, willful refusal to address its underlying causes. Military might may be able to subdue the current wave of protest- at the immediate cost of many lives. But in the long run, it cannot stem the will of a people seeking their just and rightful place in the world. It will also condemn us to revisit the current crisis again and again.

All of us are firm believers in an equitable and just negotiated peace between Israelis and Palestinians that recognizes the right to self-determination. However, we, like our communities, have lost hope in the possibility of resolving the current inequities in the framework of the Oslo agreements and the exclusive American "brokerage" of the process. We believe that we must find an equitable basis for peace that must necessarily take the following broad principles as a point of departure:

1. Negotiations must be based on the principles that all the lands occupied by Israel in 1967 are, in fact, occupied territories and that peace will only be achieved by ending the occupation of these territories and thus enabling Palestinians to exercise their right to self-determination and sovereignty.
2. East Jerusalem is part of these Palestinian territories occupied by Israel in 1967. Consequently, a final settlement must include Palestinian sovereignty over East Jerusalem and the commitment to

Jerusalem as the recognized capital of two states.

3. Israel's recognition of its responsibility in the creation of the Palestinian refugees in 1948 is a prerequisite to finding a just and lasting resolution of the refugee problem in accordance with relevant United Nations resolutions.
4. Both sides must recognize the spiritual and historical affinities of each other to sites and locations within their own borders, and they must affirm and guarantee the access and protection of the other people to these places within their own borders. But in neither case should the existence of such sites be used to advance extraterritorial claims to locations within each other's borders.

We believe that the implementation of these principles will provide for a just and, therefore, genuine and lasting peace. The hoped for coexistence between our two peoples can only become possible if a reconstructed peace settlement is equitable. This requires moral recognition of the historic injustice visited upon Palestinians. Peace and coexistence will not be accomplished by imposing an unjust settlement that goes against the will of the people. This land is destined to be the home of our two peoples. The need for a solution based on mutual respect and accommodation is dictated not only by the search for security and stability, but also by the quest for freedom and prosperity of future generations. It is our hope that, out of the tragedies of recent weeks, a new and fair vision of peace can emerge between the two peoples.



**CHAIR OF THE NON-ALIGNED MOVEMENT, PRESIDENT THABO MBEKI,
ADDRESS TO THE 9TH SESSION OF THE ISLAMIC SUMMIT
CONFERENCE, DOHA, QATAR, 12 NOVEMBER 2000**

Sheik Hamad Bin Khalifa Al Thani, Chairman of the 9th Islamic Summit Conference,
Your Majesties, Your Highnesses, Your Excellencies, Heads of State and Government,
Dr. M. Laraki, Secretary General of the OIC,
Mr. Kofi Annan, Secretary General of the UN,
Dr. Esmat Abdel Meguid, Secretary General of the League of Arab States,
Dr Salim Ahmed Salim, Secretary General of the OAU,

Distinguished Delegates and Guests:

Firstly, allow me to express my sincere thanks to His Highness, Sheik Hamad bin Khalifa Al Thani and his government for the warmth with which they received us, as well as our gratitude for being afforded the opportunity to address this August gathering.

On behalf of the Non-Aligned Movement I wish you a successful 9th Summit.

The NAM stands and has always stood for multilateralism. Our coming together here, through the kind invitation of His Highness. Sheik Hamad bin Khalafa Al Thani and the OIC, unquestionably promotes this cherished principle.

Co-operation, unity and solidarity among ourselves as like-minded countries and movements, remain the only way to guarantee the effectiveness of the voice of the developing countries on global affairs. Our comradeship is strengthened and reflected by the fact that we share a common vision through membership of the Non-Aligned Movement of the majority of the members of the OIC.

All of us participated in the recent United Nations Millennium Summit. Through the adoption of the Millennium Declaration, all of us reaffirmed our commitment, among other things, to the promotion and maintenance of world peace and security. The Non-Aligned Movement fully associates itself with these commitments. Unfortunately, as we gather here today, the world continues to be plagued by protracted conflicts that impede the realisation of these objectives.

The situation in the Middle East today poses a direct threat to world peace and security. It demands that firm and effective steps are taken to secure the rights of the Palestinian people, to end the occupation of Arab lands, to end the current violent conflicts that have already claimed too many innocent lives and to create a just and lasting peace throughout the Middle East. We would like to take advantage of this important Conference to reiterate the long-standing solidarity of the NAM with the Palestinian people. All United Nations resolutions on the question of Palestine, including those related to Palestinian refugees, should be implemented as a matter of urgency.

The excessive use of force and the use of sophisticated weapons by the occupation Israel security forces must be condemned. The Palestinian people have a right to return to their homeland and to have their own independent state with Jerusalem as its capital. All parties should undertake positive steps necessary to preserve the sanctity of the Holy places in the city of Jerusalem.

It is also critical that urgent steps are taken to ensure the implementation of Security Council Resolution 1322 (2000), adopted by the recent emergency meeting of the Security Council. The Security Council must remain seized of this vital matter to discharge its solemn responsibility for the maintenance of international peace and security.

The seeming inability, or reluctance, to utilise the UN effectively to deal with the long-drawn-out Middle East conflict, by ensuring that Israel complies with the resolutions of the world body will further buttress the conviction that the UN is not allowed by some to carry out its Charter responsibilities.

This situation gives further impetus to the call for the restructuring of the UN so that it reflects more correctly the realities of the world of the 21st century.

The NAM and the OIC should work together and intensify our efforts to ensure the democratization of the UN as well as other political and financial global multilateral organizations. The sharp increase in Europe and the United States of xenophobia, racism and other forms of intolerance is another issue of common concern to both the NAM and the OIC. It is incumbent upon us to do all within our capabilities to confront this phenomenon.

In this context, the World Conference against Racism, Racial Discrimination, Xenophobia and related Intolerance, to be held in South Africa in 2001, takes on special importance as a critical platform for us to fight and contain the ideologies of hatred which impact negatively on our peoples.

The majority of people in the member states of the NAM are poor. They have to bear the heavy yoke of underdevelopment. It was therefore encouraging to see the world unite behind the call made by many at the Millennium Summit for the alleviation and eradication of poverty, which was then spelt out in the Millennium Declaration.

The task that now remains is that we all join hands to mobilise the resources necessary for the achievement of this goal. This must address not only the implementation of the decision contained in the UN Millennium Declaration but also those taken by such bodies as the OIC itself, the NAM, the G77 and China, the Commonwealth Heads of Government and the G8. The NAM is strengthened by the knowledge that it can count on the OIC as a steadfast partner in this common struggle.

That struggle is an important part of our offensive to end the under-development of many of our countries and to bridge the gap in wealth and standards of living between the countries of the North and those of the South. By acting together, we have to ensure that the process of globalisation does not result in our further impoverishment and marginalisation.

As we enter a new century and millennium, let us pool our collective strength in fact to achieve the shared goals of peace, security and prosperity for all. It is our wish as the NAM that you will be blessed with wisdom during the deliberations and that your Summit will reach decisions that will

impact positively on the issues and challenges that are of concern to the peoples we represent and to humanity as a whole. I thank you.



**SAUDI CROWN PRINCE ABDULLAH BIN ABDUL AZIZ,
ADDRESS AT THE ORGANIZATION OF THE ISLAMIC CONFERENCE SUMMIT,
DOHA, 12 NOVEMBER 2000 [EXCERPTS]**

Crown Prince Abdullah referred to the fact the OIC was established some 30 years ago in the wake of the incident of the conflagration of the Al-Aqsa Mosque and declared that the convocation of the current Summit comes at a time when the Muslim World is passing through a similar crisis, saying that the Palestinians are looking to the Summit to yield positive results. Islamic solidarity, he declared, is essential: "What is taking place in occupied Palestine is an Islamic affair as well as an Arab and Palestinian one; it is our duty to support our own causes before asking others to back us. It is our duty to mobilize our potentialities to support justice and right before asking others to do so."

Part of this, he went on to say, is "the preparation of institutions to finance projects for preserving the Arab and Islamic identity of Jerusalem, blocking attempts to change its characteristics, and enabling the Palestinians to get rid of their dependence on the Israeli economy".

Crown Prince Abdullah expressed dismay that some Islamic countries continue to maintain relations with Israel. He went to say that the least to be expected from such countries is to restrict the scope of such relations, and to impose on future dealings with Israel conditions for genuine progress in the peace process. Furthermore, he said, it is essential that the current Summit reiterate that diplomatic relations be severed with any country that moves its embassy to occupied Jerusalem. Moreover, a genuine message to shoulder their responsibilities must be sent to the sponsors of the peace process, Russia and the USA, and also to the European Union. He drew particular attention to the United States in this matter, not only as a country that has been following up the developments of the peace process since its beginning but "in view of its historical adherence to the principles of the liberty of nations and human rights". He reiterated that "a comprehensive and just peace cannot be realized without a guarantee by its sponsors and other influential countries that Israel will adhere to the basis and to the principles of that peace". [...]



**FINAL COMMUNIQUÉ, DECLARATION ON AL-AQSA INTIFADA AND
DOHA DECLARATION, 9TH SESSION OF THE ISLAMIC SUMMIT CONFERENCE
(SESSION OF PEACE AND DEVELOPMENT, "AL-AQSA INTIFADA"),
DOHA, QATAR, 12-13 NOVEMBER 2000 [EXCERPTS]**

FINAL COMMUNIQUÉ

1. In response to the kind invitation by H.H. Sheikh Hamad Bin Khalifa Al Thani, Emir of the State of Qatar, the Ninth Session of the Islamic Summit Conference, Session of Peace and Development "Al Aqsa Intifada", was convened in Doha, capital of the State of Qatar, on 16-17 Sha'aban 1421H. (12-13 November 2000).
2. The session was preceded by the Senior Officials meeting held on 12 Sha'aban 1421 H. (8 November 2000), followed by the Preparatory Ministerial Meeting for three days from 13 to 15 Sha'aban 1421 H. (9-11 November 2000).
3. On its first day, the Summit Conference held a meeting devoted to the examination of the serious situation prevailing in the Palestinian occupied territories following the savage actions perpetrated by the Israeli forces against the Palestinian people. The meeting resulted in the issue of a declaration under the title of "The Aqsa Intifada, the Intifada for the independence of Palestine" (Annex

- 1). The Preparatory Ministerial Meeting also devoted its first session to the same issue. During the meeting, the Declaration was discussed and drafted. [...]
5. His Excellency President Seyed Mohammad Khatami, President of the Islamic Republic of Iran, Chairman of the Eighth Islamic Summit Conference, opened the Conference. In his statement, he commended the sacrifices of the heroic Palestinian people in their fight against the Occupation forces, calling on the Organisation of the Islamic Conference to take a unified measure to support Palestine, which he considered as a historical, cultural, and social necessity. [...]
7. H.H. Sheikh Hamad Bin Khalifa Al Thani, Emir of the State Qatar, and Chairman of the Ninth Islamic Summit Conference, delivered a speech which he started by welcoming their Majesties, Excellencies, and Highnesses, the Kings, Heads of State and Government, and thanking them for the trust they showed in His Highness by electing him Chairman of the Ninth Session of the Islamic Summit Conference. Then, His Highness went on to address the serious conditions in which the current session is being held, comparing them to those at the origin of the creation of the OIC more than thirty years ago. He explained that once again Islamic and Christian holy shrines in Al-Quds were being violated and tens of innocent Palestinian victims were falling for daring to demand their right to life, existence, and national sovereignty. He affirmed that the trust placed by the Islamic Ummah requires the Conference to reach a practical strategy to help the Palestinian people gain its legitimate rights while holding fast to the immutable Islamic position constituting the foundations of the resolution of the Arab Israeli conflict. [...]
12. The Conference adopted the motto Peace and Development, "Al Aqsa Intifida" for its current session. [...]

POLITICAL AFFAIRS:

THE QUESTION OF PALESTINE, AL-QUDS AL-SHARIF, AND THE ARAB ISRAELI CONFLICT

17. The Muslim leaders presented to the Palestinian people and leadership institutions their condolences on their righteous martyrs and wished the injured heroes speedy recovery. The Conference hailed the heroic Intifada of the Palestinian people "the blessed Aqsa Intifada" in defence of Al-Quds Al-Sharif and all the sacred shrines and called for an end to the Israeli occupation and the establishment of freedom, sovereignty and independence of the steadfast Palestinian people. The Conference urged all Member States to continue strengthening their solidarity with the Palestinian people, support its just and legitimate struggle and use all the resources of the Islamic Ummah to achieve all its national objectives.
18. The Conference reiterated the necessity to put an end to all Israeli settlement activities, measures and practices contrary to the resolutions of international legality, and in violation of the agreements signed by the Palestinian and Israeli parties; and requested the UN Security Council to ban these measures and remove Israeli settlements, pursuant to Security Council Resolution 465, and revive the International Committee on Supervision and Monitoring to prevent colonization in the city of Al-Quds and other occupied Arab territories, in accordance with UN Resolution 446.
19. The Conference requested the UN Security Council to set up an International Commission of Enquiry to investigate the massacres perpetrated by Israel which resulted in the death of over 200 martyrs and over ten thousand injured persons and to constitute an International Criminal Tribunal, in conformity with international law, to prosecute the Israeli war criminals who have perpetrated these savage massacres. The Conference urged the international community to shoulder its responsibility regarding ensuring the necessary international protection of the Palestinian people in Al-Quds Al-Sharif and the rest of the Palestinian territory.
20. The Conference invited Member States which had established relations with Israel and those which had started taking measures towards the establishment of relations with Israel within the framework of the peace process to sever those relations, including the closing down of missions and offices and economic relations, and put an end to all forms of normalisation with Israel until it genuinely and accurately implements UN Resolutions relevant to the issue of Palestine, Al-Quds Al-Sharif, and the Arab-Israeli conflict.
21. The Conference underlined that Israel's violation of the principles and underpinnings of the peace process, renegeing on the commitments, pledges and agreements concluded within this process,

- and procrastination and evasion at implementation level, and savage massacres of the Palestinian people have seriously undermined the peace process. The Conference held the Israeli Government wholly responsible for this situation.
22. The Conference reaffirmed the immutable responsibility of the United Nations towards the cause of Palestine until a just and comprehensive resolution is reached to all its facets that secures the end of colonization and enables the Palestinian people to exercise its inalienable and imprescriptible national rights including the right to return and self determination and the establishment of its independent state on its national soil with Al-Quds Al-Sharif as capital. It commended the resolutions of the Extra-ordinary Arab Summit Conference, held in Cairo, on 21-22 October, 2000.
 23. The Conference called on all states in the world to recognize the State of Palestine with Al-Quds as its capital upon its proclamation in the Palestinian territories and provide the Palestinian people with all forms of assistance so they can exercise their sovereignty on their soil, within the borders of June 1967 and in accordance with the resolutions of international legality. The Conference also urged all states to extend their support to the State of Palestine to enable it to gain full membership in the United Nations.
 24. The Conference stressed the need to intensify efforts to convene the meeting of the High Signatories of the 1949 Geneva Convention on the Protection of Civilians in Times of War with a view to taking the required binding measures to secure the implementation of the Convention in occupied Palestinian territories including Al-Quds Al-Sharif.
 25. The Conference called for action at the United Nations and other international organizations and forums to force Israel to release the Arab and Palestinian prisoners and detainees held in Israeli prisons, return the deportees, put an end to collective punishments, to the confiscation of land and property and to the demolition of houses, and desist from any act likely to endanger life and the environment in the occupied Palestinian and other Arab territories including Al-Quds Al-Sharif.
 26. The Conference reaffirmed the need to implement UN resolution 237 on the return of Palestinian displaced and UNGA resolution 194 on the return of Palestinian refugees to their homes and properties as the cornerstone of the just and comprehensive settlement.
 27. The Conference affirmed the continuous responsibility of UNRWA to carry out its mission in favour of all Palestinians wherever they may be in accordance with the relevant UNGA resolution. It called on Member States to request the UN Secretary General to commission the Conciliation Committee in collaboration with UNRWA and the concerned states to undertake an exhaustive census of Palestinian refugees and their properties, and to formulate a comprehensive conception for resolving their problems on the basis of their rights to return to their homeland Palestine, pursuant to UN Resolution 194. The Conference also invited all states to extend further support to the Agency to enable it to finance its budget and continue to provide its services.
 28. The Conference urged all states and bodies concerned to support the international program for the economic, social, and cultural development of Palestinian territories and to extend the prescribed assistance to help Palestinians build their national economy and consolidate their national institutions.
 29. The Conference reaffirmed that Al-Quds Al-Sharif is the capital of the independent State of Palestine and rejected any and all attempts to diminish Palestinian sovereignty over it. It also reaffirmed that all settlement measures and practices therein are null and void in accordance with the resolutions of international legitimacy, covenants and conventions which deem all Israeli legislative and administrative settlement measures and practices aiming at altering the legal, demographic, architectural, heritage, and civilization status of this holy city null and void, in violation of the resolutions of international legitimacy, covenants and conventions, and in contradiction with agreements between the Palestinian and Israeli parties. It called on the UN Security Council to revive the International Committee on Supervision and Monitoring to prevent settlements in the city of Al-Quds and other occupied Arab territories, in accordance with UN Resolution 446.
 30. The Conference urged the states of the world to abide by UN Security Council resolution 478 (1980) calling for the non-transfer of their diplomatic missions to the city of Al-Quds. It called for contesting the decision adopted by the US Congress because the legislation favors one religious group over another which is in contradiction with the American Constitution based on equality among religious groups. It called for severance of relations with any state that transfers its embassy to Al-Quds or recognizes the latter as the capital of Israel.

31. The Conference called on the international community, particularly the Security Council, to compel Israel to implement the resolutions of international legality, prevent it from introducing any geographic or demographic alterations in the city of Al-Quds Al-Sharif, and compel it to lift the siege on Al-Quds, guarantee the freedom of worship therein, respect religious rites of all revealed religions, desist from demolishing homes and withdrawing identity cards from Palestinian citizens, and evacuating Arab nationals from the city of Al-Quds Al-Sharif.
32. The Conference strongly condemned the Israeli Supreme Court's decisions concerning the city of Al-Quds Al-Sharif, particularly the decision adopted on 25.7.1996 allowing Jews to pray in the precinct of the blessed Al-Aqsa Mosque and the decision issued on 23.9.1993, claiming the Blessed Mosque of Al-Aqsa as part of the territory of the State of Israel. The Conference emphasized that such measures constitute premeditated provocations which open the way to extremist Jewish organizations to continue their violations of the sanctity of the Blessed Mosque of Al-Aqsa, to establish their presence in its precincts, and to continue pillage of the religious, historical and cultural relics in Al-Quds and the occupied Palestinian Territories.
33. The Conference strongly condemned Israel for issuing orders for closing the Palestinian institutions in Al-Quds Al-Sharif, and preventing them from operating freely, and considered such arbitrary measures as a continued violation of the agreements concluded between the Palestine Liberation Organization and Israel within the framework of the peace process, as well as a blatant violation of international conventions and agreements, particularly the Fourth Geneva Convention of 1949 and a breach of the principles and underpinnings of the Madrid Peace Process.
34. The Conference commended the efforts exerted by His Majesty the late King Hassan II in founding Bait Mal Al-Quds Al-Sharif Agency and defining its objective as the protection of the holy city and its Palestinian inhabitants. It expressed its appreciation to his successor, His Majesty King Mohammad VI, who bestowed upon it his affection and caring and put at its disposal generous resources. The conference thanked Al-Quds Committee Member Sates which had made contributions to the Agency thus enabling it to implement its projects in the areas of housing, renovation, and education.
35. The Conference welcomed the fundamental agreement signed between the Palestine Liberation Organization and the Vatican on 15 February 2000 which considers that any unilateral decisions or actions such as altering the distinctive character of Al-Quds and its legal status morally and legally unacceptable. It reaffirmed the need for joint Islamic Christian action to preserve the city of Al-Quds and its religious, historical, civilizational, and cultural character.
36. The Conference lauded the steadfastness of the Syrian Arab citizens of the Golan against occupation and strongly condemned Israel's non-compliance with UN Security Council resolution 497 (1981). It affirmed that Israel's decision to impose its laws and rule on the occupied Syrian Golan is illegal, null and void, and totally illegitimate. The Conference condemned Israel for continuing to alter the legal status of the occupied Syrian Golan and its demographic and institutional structure. It reaffirmed the applicability of the 1949 Geneva Convention on the Protection of Civilians in Times of War to the occupied Syrian Golan. The Conference also condemned Israel's repeated threats directed against Syria, with the aim of escalating tension in the region and wrecking the peace process. It called for Israel's total withdrawal from all the occupied Syrian Golan to the 4 June 1967 borders.
37. The Conference lauded the steadfastness of the Lebanese government, people and resistance which led ultimately to the ejection of Israeli forces from south Lebanon and the Western Bekaa Valley. The Conference condemned Israel for its continuing occupation of expanses of land inside the internationally recognised Lebanese borders, including the Shebaa Farms, in contravention to the provision of UN Security Council Resolution 425.
38. The Conference also requested the international community to take all necessary measures to compel Israel to immediately set free all the Lebanese prisoners and abductees detained in Israeli prisons and detention camps, in contravention of the provisions of international law, the Universal Declaration of Human Rights, the 1949 Fourth Geneva Convention and the 1907 Convention of The Hague.
39. The Conference urged the international community and the Security Council to force Israel to comply with UN resolutions, particularly Security Council Resolution 487 (1981), to accede to the treaty on the Non-Proliferation of Nuclear Weapons, and to implement the resolutions of the UNGA and the International Atomic Energy Agency (IAEA) calling for the subjection of all Israeli nuclear facilities to the Agency's Comprehensive Guarantee System and the need for Israel

- to abandon nuclear armament and submit an inventory of its nuclear weapons and material capabilities and stocks to the Security Council and the IAEA as indispensable steps for the establishment of a zone free of weapons of mass-destruction, particularly nuclear weapons, in the Middle East region and a fundamental requirement for establishing a comprehensive and just peace therein.
40. The Conference maintained its demand for a just and comprehensive peace in the Middle East based on Israel's implementation of the relevant resolutions of international legitimacy, particularly Security Council resolutions 242 and 338 which provide for Israel's withdrawal from all occupied Palestinian and Arab territories, including Al-Quds Al-Sharif, the occupied Syrian Golan to the June 4th, 1967 line, and enabling the Palestinian people to recover their inalienable national rights, including the right to return to their homes and property in accordance with UNGA resolution 194, and set up their own independent State with Al-Quds Al-Sharif as capital. It strongly denounced the Israeli brutal aggression on the Palestinian people and denounced as well the Israeli government's policies and practices inimical to the peace process through continued occupation of Arab and Palestinian territories including the city of Al-Quds Al-Sharif and by demolishing the underpinnings and terms of reference of the Madrid Peace Conference, and reneging on the commitments, pledges, and agreements concluded over the past few years with the Palestinian and other Arab parties.

DECLARATION ON AL AQSA INTIFADA – PALESTINIAN INDEPENDENCE INTIFADA

The Kings, Presidents, Emirs and Heads of the States of the Organization of the Islamic Conference (OIC) held a special session in Doha, on 12 November, 2000, within the framework of the proceedings of the Ninth Islamic Summit Conference, to express their solidarity and support with the blessed Al-Aqsa Intifada of the Palestinian people against the barbaric Israeli aggression, and consider its serious consequences.

The leaders were unanimous that the Ninth Islamic Summit Conference is held in extremely serious circumstances in the history of our Islamic Ummah due to the prevailing tragic conditions and brutal crimes perpetrated in the Palestinian territories and the Islamic and Christian holy sites, as a result of the war launched by Israel against the Palestinian people, using its military machine: aircraft, tanks, rockets, naval boats and internationally prohibited ammunitions provided by the United States. This onslaught has led to the fall of more than two hundred martyrs and the wounding of ten thousand unarmed Palestinian citizens. Israel continues to lay siege to all Palestinian cities and villages, isolating them from the outside world, as was the case with Bethlehem, Bait Jala, Bait Sahour, Ramallah, Al-Beera, Al-Khalil, Nablus and Gaza, which were shelled by helicopters and tanks. The blockade against citizens, goods, medicines, and supplies has been tightened; Palestinian infrastructure, institutions, centres, institutes, university buildings, places of worship and houses have been destroyed and closing vital utilities, such as Gaza airport, aimed at causing famine and suppressing and furthering the suffering of the Palestinian people.

This wanton premeditated and deliberate Israeli aggression comes within the framework of the Israeli policy aimed at imposing a fait accompli and Judaizing the Holy City, represented by the illegitimate Israeli measures and practices, including the criminal attempt to burn down Al Aqsa Mosque, opening tunnels in order to destroy it and the storming of the blessed Qudsi precinct in connivance with the Israeli government and forces and with their protection, which provoked the rage of Muslims and Christians the world over.

Such an overt aggression is a blatant violation of the civil and human rights of the Palestinian people and a flagrant breach of all covenants, conventions, international law and International Humanitarian Law, especially the 4th Geneva Convention of 1949, and destroys the peace-building efforts in the area. It will have serious consequences for the Middle East and world security and peace, and as such, requires the invitation of the USA to assume a just, honest and humanitarian stance vis-a-vis the Israeli bloody aggression against the Palestinian people and to shoulder its responsibilities for deterring it.

The leaders condemn the large-scale, systematic and substantial violations of human rights committed by the Israeli occupation authorities, in particular acts of mass murder and collective punishment,

such as the demolition of houses and closure of the Palestinian territories. These actions constitute war crimes and crimes against humanity and a gross breach of international humanitarian law, as well as a flagrant and serious violation of the right of the Palestinian people to life.

The leaders condemn the aggressive and systematic policy of the Israeli occupation authorities to confiscate Palestinian lands, build and expand settlements on them, especially in the city of Al-Quds, build roads, and all other settlement activities, as all of this is considered a stark violation of the UN resolutions and international humanitarian law, in particular, the 4th Geneva Convention of 1949. They consider the settlements as null and void, and with no legal effect whatsoever, and must be dismantled according to Security Council resolution 465.

The leaders condemn the Israeli policy of persistently violating the international legitimacy and the peace process, as it is inconceivable to proceed forward with a political process based on the principle of land for peace while Israel is pursuing the strengthening its settlement activities.

While they pay tribute to the legitimate Intifada of the Palestinian people against Israeli occupation, the leaders affirm their support and assistance to this blessed uprising, hail the memory of the martyrs, pray for their pure souls, and wish the injured a speedy recovery. The leaders emphasize their firm adherence to the parameters approved by the Charter of the Organization of the Islamic Conference and the OIC adopted resolutions on Al-Quds and the cause of Palestine. They are committed to exerting all efforts to achieve this goal. They affirm their resolve to continue utilizing Islamic potentials to serve the causes of their Ummah and deploy all capabilities to liberate the occupied Palestinian and Arab territories and support the struggle of the Palestinian people in order to restore their land, return the refugees and establish their state on their national soil with Al-Quds as its capital, and also to safeguard Islamic and Christian holy places in Palestine.

The leaders express their support for the resolutions of the Arab Extraordinary Summit Conference, held in Cairo on 21-22 October 2000, especially its resolution on setting up two funds for the sake of preserving the Arab and Islamic identity of Al-Quds to preclude its obliteration and curtailing Palestinian sovereignty over the City, enabling the Palestinian people to offset their huge material losses and get rid of dependency on the Israeli economy, and supporting the families of the Palestinian martyrs as well as establishing the means for taking care of their children and attending to their education in addition to rehabilitating the injured people. They invite the OIC Member States to contribute towards financing both funds and developing their resources.

The leaders express in this respect their appreciation of the initiative of the Kingdom of Saudi Arabia to establish these two Funds and its generous contribution towards financing them.

The leaders emphasize the necessity of extending financial support to Bait Mal Al-Quds Al-Sharif Agency, and Al-Quds Fund and its Waqf, in order to enable them to perform their tasks of safeguarding the Arab-Islamic identity of Al-Quds Al-Sharif and strengthening the steadfastness of its people. They call on the OIC Member States, the public and private Islamic financial and economic institutions, businessmen and individuals to extend donations to support Bait Mal Al-Quds Al-Sharif Agency, Al-Quds Fund and its Waqf, to enable them to implement their approved projects in support of the steadfastness of the Palestinian people in the Holy City. They also call for the setting up of committees in the Member States to collect popular donations, in a special account, support the Al-Aqsa Intifada and protect Islamic sanctities.

The leaders call for taking measures to facilitate importation of Palestinian commodities after securing their certificates of origin. They also call for exemption of these commodities from tariffs and lifting of barriers.

The Summit invites the OIC Member States which have already established, or started to take steps to establish relations with Israel in the framework of the Peace Process to sever these relations, including the closing of missions and offices, cutting economic ties and stopping all forms of normalization until

Israel fully and genuinely implements UN resolutions on the cause of Palestine and Al-Quds Al-Sharif, and the Arab-Israeli conflict, and until a just and comprehensive peace is established in the region.

The leaders call for commitment to apply the provisions of the Islamic boycott of Israel.

The leaders request the states of the world to abide by UN Security Council resolution 478 (1980) calling for the non-transfer of their diplomatic missions to the city of Al-Quds. They condemn and reject the decisions adopted by the US Congress as well as statements on recognition of Al-Quds as the capital of Israel, and the transfer of the US Embassy to the holy city. This is considered as a blatant violation of the said resolution and a manifest challenge to the sentiments of Muslims and Christians all over the world. They confirm their determination to sever relations with any state that transfers its Embassy to Al-Quds or recognizes the latter as the capital of Israel.

The leaders emphasize the importance of maintaining the focus of the mass media on developments and the confrontations of the Intifada heroes in the Palestinian territories. They also emphasize the importance of holding meetings with scholars, experts and specialists to develop Islamic information, and its interaction with the Islamic peoples, as well as inform Islamic masses about the Palestinian cause and its developments.

The leaders emphasize the necessity of acting continuously with the international mass media in order to lay bare the violations of Palestinian human rights, raise world conscience and mobilize international support and sympathy with the legitimate national struggle of the Palestinian people.

The leaders request the United Nations and Security Council to provide the necessary international protection to the Palestinian people in the Palestinian territories to forestall the grave violations they are subjected to until they are able to exercise their inalienable national rights in Palestine in accordance with the resolutions of international legality.

The leaders request the UN Security Council to shoulder its responsibilities for stopping the massacres of the Palestinian people by the Israeli occupation authorities, as the Council is responsible for maintaining international security and peace. They urge the US Government to enable the Security Council to carry out its obligations in conformity with the UN Charter.

The leaders call for a meeting of the high contracting parties to the 1949 4th Geneva Convention to examine Israeli violations in the occupied Palestinian territories and take appropriate measures to provide protection for the Palestinian people under Israeli occupation.

The leaders request the setting up of an impartial international commission of inquiry in implementation of resolution 1322 (2000) of the Security Council on responsibility for bloodsheds perpetrated by the Israeli occupation forces against Palestinian citizens.

The leaders request the Security Council to set up an International Criminal Court to prosecute Israeli war criminals responsible for the massacre of Palestinians and other Arabs and decide to sue them in accordance with the provisions of the Statutes on the International Criminal Court.

The leaders also stress the need to work for safeguarding the rights of Palestinian citizens killed or wounded through Israeli repressive practices, by making Israel liable for appropriate compensation for damages sustained by them, their families and property as a result of these practices.

The leaders reaffirm the unflagging Islamic position on the cause of Al-Quds and its importance for the Islamic world, in particular the provisions of the recommendations adopted by the 18th Session of the Al-Quds Committee, chaired by His Majesty King Mohamed VI, held in Agadir, Kingdom of Morocco on 28 August 2000. This position asserts its support for the position of the State of Palestine asserting its sovereignty over East Jerusalem as the capital of the independent State of Palestine including the Quds Haram of Al-Quds Al-Sharif and all the Islamic and Christian holy places which

form an integral part of the Palestinian territories occupied since June 1969 and rejects any attempt to limit Palestinian sovereignty over the Al-Quds Al-Sharif.

The leaders assert their commitment to recognize the independent State of Palestine as soon as it is proclaimed and to endorse its request for full UN membership and call on all other UN members to do the same.

The leaders stress once again that the condition for the establishment of a just and comprehensive peace in the region is, first and foremost, full Israeli withdrawal from all the occupied Palestinian and Arab territories including Al-Quds Al-Sharif and the Syrian Golan to the line of 4th of June 1967, and from the Lebanese territories still under occupation, including the Shabaa farms, to the internationally recognized borders in implementation of the resolutions of international legitimacy, particularly Security Council resolutions No. 242, 338 and 425 and the principle of peace for land, the restoration of the established national rights of the Palestinian people, including their right to return to their homes and property and compensations for the damages sustained as a result of Israeli occupation in accordance with United Nations resolution No.194 and the establishment of its independent state with Al-Quds Al-Sharif as its capital.

The leaders reaffirm their total solidarity with Syria and Lebanon and reject any Israeli threats against these two sisterly countries.

The leaders firmly reject any deviation from, prevarication or circumvention of the peace process and its principles and call upon the United States of America not to positively respond to any Israeli proposals that do not conform with the international legitimacy. They also affirm their full solidarity with the Palestinian position in confronting attempts to dictate unjust, conditional and unacceptable settlements.

The leaders affirm their full confidence in the Palestinian people and leadership, represented by the PLO leadership, in their efforts to achieve the inalienable rights of the Palestinian people, in their just struggle to establish their independent Palestinian State on their national territory, with Al-Quds as its capital, and achieve a just and comprehensive peace in the region.

The leaders decide to undertake the necessary action required by the serious events taking place in the occupied Palestinian territories so as to project full Islamic solidarity with the just cause of the Palestinian people. The Chair of the Summit is entrusted, in coordination with the Chair of Al-Quds Committee, with conducting the necessary contacts in order to implement the relevant resolutions of the 9th Islamic Summit.

The leaders decide to commission Member States' missions accredited to the UN in New York and Geneva, and other places, to take effective and sustained action to ensure the adherence to and implementation of the provision of this Declaration and particularly to coordinate among themselves to mobilise the necessary support for Palestine's request for international protection for the Palestinian people in the occupied territories, and its renewed request that the Security Council consider Israeli violations and practices in case Israel continues its current policy and stands.

DOHA DECLARATION

We the Kings, Emirs and Heads of State and Government Members of the Organization of the Islamic Conference meeting in the Ninth Session of the Islamic Summit Conference in Doha, capital of the State of Qatar from 16 to 17 Sha'ban 1421H, corresponding to 12-13 November 2000,

While we stress the importance of this Summit Conference, the first to be held by the OIC at the dawn of the Third Millennium, and is witnessing radical changes in various fields and at all levels,

And while we express our total confidence that the State of Qatar, under the leadership of HH Sheikh Hamad Bin Khalifa Al Thani, Emir of the State of Qatar, will lead the OIC wisely and aptly during its

Chairmanship, improve the performance and effectiveness of our organization with a view to realizing the interest of the Islamic Ummah, increasing its efficacy and presence in the international arena,

As such, the Ninth Islamic Summit Conference of the OIC constitutes a turning point in the pursuit of its lofty objectives, in view of the numerous and important achievements of the previous Summit Conferences of the OIC and considering the current challenges facing the Islamic Ummah.

We declare with great pride that the lofty precepts of our noble religion offer optimal solutions to the contemporary problems facing human societies for Islam is the religion of love, justice, tolerance, progress and respect for human rights and dignity.

We consider that the initiative of Dialogue among Civilizations constitutes a new paradigm and universal vision to build an equitable international order, founded on inclusion, participation, mutual understanding, and tolerance among peoples and nations.

We pledge to pursue with greater determination our efforts to disseminate the true image of Islam and highlight its import as a fundamental source of human civilization, at a time when it is being constantly misrepresented through various means.

We resolve to achieve the unity of the Islamic Ummah by our attachment to the values of our religion reviving the spirit of solidarity, tolerance and brotherhood as called for by Islam, and reinforcing the bonds of common values and interests.

We reiterate our commitment to the Charter of the Organization of the Islamic Conference, and reaffirm our resolve to actively contribute to the maintenance of international peace and security based on justice as a high priority of the Organization in the principles and objectives of its Charter, and underline the imperative of global adherence to the purposes and principles of the Charter of the United Nations and the rules of International Law, in particular the principles of sovereign equality, non-intervention and the right of peoples under foreign occupation or alien domination to self-determination by all without any discrimination or double standards.

We reaffirm our solidarity with the Palestinian people and its leadership which leads their just struggle to regain their inalienable national rights, including the right of return to their homes and property, and the right to establish their independent state with Al-Quds Al-Sharif as its capital, and pay tribute to the steadfastness and courage they have shown and to the spirit of sacrifice with which their martyrs have written a glorious chapter for the liberation of Palestine which is considered the foremost Islamic cause. We are of the view that a just and lasting peace in the Middle East can only be achieved by the implementation of all international legitimacy Resolutions on Palestine and Al-Quds Al-Sharif and the Arab-Israeli conflict, and particularly Security Council Resolutions 242 and 338 and General Assembly Resolution 194, which provide for the right of the Palestinian refugees to return and receive reparations, as well as all other relevant resolutions.

We condemn once again Israel's consistent refusal to respect the resolutions and the will of the international community which assert the right of the Palestinian people to achieve its full rights and establish its independent State with Al-Quds Al-Sharif as its capital and demand Israeli withdrawal from the Golan Heights to the line of 4 June 1967 and respect for the sovereignty and territorial integrity of Lebanon. We reaffirm, in this context, the Declaration on Al-Aqsa Intifadah – the Palestinian Independence Intifadah which we have adopted during the current session, in particular concerning guaranteeing international protection for the unarmed Palestinian people against the barbaric Israeli aggression.

We also reaffirm our determination to further all the causes of the Islamic Ummah by drawing inspiration from the spirit of the relevant resolutions of the Organization of the Islamic Conference. In this context we reaffirm our solidarity and support for the right of the people of Jammu and Kashmir to self-determination, as we lay stress on the resolutions stipulating the recognition and safeguard of the rights of Muslim minorities and communities wherever they may be.

We launch an appeal to all the world leaders to combine their efforts within the United Nations and within regional organizations with a view to eliminating all causes of tension that beset our world

including such scourges as poverty, ignorance, social exclusion, diseases like AIDS, and illegal migration, piracy, illicit trafficking in drugs and arms.

We again condemn all forms and manifestations of terrorism whatever its source as reflected in the unanimous adoption of the Agreement of the Organization of the Islamic Conference on Combating Terrorism, and in the repeated promises for the convening of a World Conference under the auspices of the United Nations to address this phenomenon in an effective manner away from racism and bias and to consider effective ways and means to eradicate it. We reaffirm here that a clear separation must be made between terrorism, on the one hand, and people's struggle for national liberation including the struggle of the Palestinian people and the elimination of foreign occupation and colonial hegemony as well as for regaining the right to self-determination, on the other hand.

We warn of the serious threats posed by nuclear arsenals and other weapons of mass destruction to international peace and security, particularly in the Middle East region as a result of Israel's refusal to sign the Nuclear Weapons Non-Proliferation Treaty and to subject its nuclear facilities to inspection by the International Atomic Energy Agency (IAEA). We demand that Israel submit to the Nuclear Weapons Non Proliferation Treaty and declare its rejecting of nuclear weapons thereby following the example of all other States in the region.

We again declare the will to interact with the phenomenon of globalization and direct the strategy of cooperation and related action plans that the Organization of the Islamic Conference has drawn up to take full advantage of globalization, and avoid its negative aspects, especially with respect to Islamic identity and culture. From this perspective we have agreed that the strengthening of the consultation mechanism within the OIC organs or through bilateral or multilateral cooperation, with a view to coordinating the positions of its members as regards the negotiations at the World Trade Organization and consolidating economic cooperation in other international fora, between Islamic States, are considered a pressing duty dictated by the noble precepts of tolerant Islam as well as by the requirements of development, particularly in the shadow of the developments of globalization.

We call for improving the performance of international financial institutions in order to avoid crises and the situation of instability experienced by the world financial system.

We consider the establishment of an Islamic Common Market a long-term objective with important dimensions that necessitate continuous pursuit to implement staggered practical steps and programmes to realize that objective. The project requires the free flow of goods and services through the establishment of an Islamic free-trade zone, the implementation of agreements and programs of economic and commercial cooperation, and especially the framework agreement on the establishment of the trade preferential system. In this context, we call on Member States to adopt comprehensive economic reforms that give opportunity to take advantage of the privileges granted within the framework of the World Trade Organization agreement and the overall promotion of Islamic world economies.

We express our solidarity with the Islamic Development Bank (IDB), and taking cognizance of the effective role it has played in promoting economic and commercial cooperation among member states. We call for the need to support the Bank and uphold the economic program it has undertaken, so that it may play the role it is entrusted with for the economic and social development of Member States.

We appreciate the orientation of the Member States towards the implementation of effective privatization programs and granting more freedom to capital flow, which will require the establishment of appropriate mechanisms for data exchange and clearance in the activity of shares and bonds and the creation of financial instruments in conformity with Islamic Sharia.

We reach out to the world leaders who are seeking to achieve peace and cooperation- which are two objectives of the OIC - to spur them all to make every effort to bring reconciliation among mankind by deepening common values among peoples and strengthening the bonds of interdependence among them within the framework of fruitful and constructive cooperation which allows for respect of religious and cultural specificities. The OIC has submitted this noble goal to the United Nations for adoption with a view to developing an International Code of Conduct urging cooperation and rapprochement among nations.

In order to enable the OIC assume its role to fulfill the objectives and principles of its Charter, we decide to upgrade the mechanisms and organs of the Organization and modernize them in the various fields so as to ensure the implementation of its resolutions.

We entrust the Chairman of the Ninth Islamic Summit Conference with conducting consultations with Member States to take all necessary measures for the implementation of this Declaration in cooperation with the Secretary General and the competent Organs of the OIC.



ISRAELI PRIME MINISTER EHUD BARAK, SPEECH ON ISRAEL'S REQUIREMENTS FOR A PEACE AGREEMENT, GREATER ASSEMBLY OF UNITED JEWISH COMMUNITIES, CHICAGO, ILLINOIS, 13 NOVEMBER 2000 [EXCERPTS]

Our goals are clear:

First, to secure a permanent status agreement with the Palestinians through negotiations - not one that is imposed through violence.

The second goal is to protect, in such an agreement, Israel's security and other vital interests, while creating a framework for cooperation and good neighborly relations with the Palestinians.

Any agreement that we reach must include the following elements:

1. Permanent, recognized borders for the State of Israel.
2. 80 percent of Israeli settlers within settlement blocs under Israeli sovereignty.
3. Security arrangements that will provide adequate safeguards from Israel against external threats, mainly on our eastern fronts.
4. No right of return for Palestinian refugees into Israel proper.
5. A Jerusalem broader than it ever has been in our history, with a solid Jewish majority for generations to come; a capital united under our sovereignty and recognized by the entire world.



US CATHOLIC CONFERENCE, RETURNING TO THE PATH OF PEACE IN THE MIDDLE EAST, 15 NOVEMBER 2000

We are shocked and saddened by the current disastrous events in the Middle East. In his November 7, 2000 letter to Bishop Joseph Fiorenza, President of the National Conference of Catholic Bishops, the Latin Patriarch Michel Sabbah described this ongoing tragedy: "Our people in the Holy Land are living gloomy days during which the dream of peace which seemed very close is now vanishing away. Violence, retaliation, fear, death, unemployment, the end of the peace process summarize our situation today."

We are deeply disturbed by efforts of extremists, in the region and abroad, who incite and intensify religious conflict through inflammatory rhetoric, and anti-Semitic, anti-Muslim and anti-Christian acts. The Holy Land must be a symbol of peace, love and unity, not a source of religious hatred and violence.

Despite the events of the past six weeks, it is not naive or utopian to insist that the season of peace in the Middle East has not passed, that Palestinians and Israelis are not inevitably destined for yet more years of conflict. Reviving the peace process in the Middle East is not only possible, it is the only realistic way forward. Muslims, Jews and Christians, Palestinians and Israelis cannot separate themselves into walled enclaves; they must find ways to live together, as equals and in dignity. This is impossible amidst an escalating cycle of provocations, threats, violence, excessive force, and reprimands.

sals, all of which only compound injustice and inflame hatred and fear. The only acceptable option is an end to the violence, respect for the basic human rights of all, and a return to the path of peace.

While the peace process has led to significant progress in some areas, it cannot be denied that it has also created deep resentment about unfulfilled promises and unmet expectations. Nonetheless, as the Holy Father recently said, "Only a return to the negotiating table on an equal footing, with due respect for international law, is capable of disclosing a future of brotherhood and peace for those who live in this blessed land. He continued, "[A]ll individuals [must] see their fundamental rights guaranteed: both the Israeli people and the Palestinian people are equally entitled to live in their own homeland in dignity and security" (Letter to the Latin Patriarch Michel Sabbah, November 6, 2000).

A just peace demands speedy implementation of relevant UN resolutions and other provisions of international law, and the establishment of an internationally-recognized Palestinian state. A just peace equally demands respect for Israel's right to exist and flourish within secure borders. The future of the Middle East must be built on mutual respect, recognition and reconciliation, not hatred or exclusion or occupation. We urge the U.S. government to continue to work tirelessly to revive the peace process, and we pray that it will do so in a way that is truly balanced, does not acquiesce to unilateral actions which undermine negotiations, and that responds with respect to the legitimate claims and expectations of both parties.

Any peace settlement between Israelis and Palestinians must address the future of the Holy City of Jerusalem. During his historic visit to the Holy Land, our Holy Father witnessed to the universal religious significance of Jerusalem, calling for Jerusalem to be "a City of Peace for all peoples" (March 23, 2000). The Holy See believes the difficult issues of territory and sovereignty should be resolved by negotiations. It also has repeatedly urged "an internationally guaranteed statute for the most religious parts of this unique city" (Archbishop Jean-Louis Tauran, March 9, 1999). Such a statute would provide guarantees for equality of rights for all residents, freedom of religion for all, and free access to and protection of the Holy Places.

While attention is rightly focused on the conflict between the Israelis and Palestinians, a comprehensive Middle East peace must address the situation in Lebanon as well. We are dismayed by the deteriorating situation in some areas of that country, and we fully support the call of the Maronite Patriarch and bishops for an open national dialogue. We share with them a heightened concern over the flight of young people from the country. It is gravely troubling that, a decade after the close of the civil war, Lebanon is not yet a fully sovereign state. We call on the government of the United States to work energetically for the withdrawal of foreign troops from Lebanon, and for respect for its sovereignty, territorial integrity, and political independence.

In the pursuit of a just peace for all in the region, the Christian presence in the Holy Land must not be forgotten. We fear that the continuing fighting and growing despair about the future will further marginalize the Christian community and will accelerate the departure of Christians from the Holy Land. These endangered Christian communities in the Holy Land merit, in a special way, the support and solidarity of Christians around the world.

We join our Conference president, Bishop Joseph Fiorenza, in asking the faithful to pray from the beginning of Advent to Epiphany for a genuine peace in the Holy Land, and in recommending voluntary fasting and abstinence on Fridays during the same period, in accord with our call in *The Challenge of Peace* (1983).

With our Holy Father and our brothers and sisters in the Holy Land, we pray for the peace of Jerusalem, and we ask Jews, Christians, and Muslims to join us in beseeching God Most High that by his grace "justice and peace may embrace" (Ps. 85) in the sacred land we all love. What people cannot do by themselves, God in his mercy can surely bring to fruition.



**NATIONAL COUNCIL OF CHURCHES OF CHRIST IN THE USA,
GENERAL ASSEMBLY RESOLUTION ON THE CONFLICT IN THE MIDDLE EAST,
ATLANTA, 17 NOVEMBER 2000**

Whereas, the General Assembly of the National Council of Churches of Christ in the USA finds itself meeting at a time of continuing violent confrontation in the Middle East sparked by tension about the future status of Jerusalem, and witnesses with deep distress, sorrow and concern this resurgence of violence in the Middle East; and

Whereas, we have heard the witness of our Christian sisters and brothers in the Middle East of the tangible effects of violence targeted at the Palestinian population by the Israeli military resulting in widespread maiming, injury and death, extensive damage to property, as well as the de facto imprisonment of the Palestinian population within areas closed by the Israeli authorities limiting access by Palestinians to emergency services, health care, food, employment and freedom of movement; and

Whereas, we are cognizant that the solution to the problem of violence in the Middle East and the resolution to the status of Jerusalem is primarily the responsibility of the parties directly involved, but that the Christian churches have a central role to play in relation to the negotiations;

Therefore be it resolved that the General Assembly of the National Council of Churches of Christ in the USA strongly affirms the October 11, 2000, statement of Rev. Robert Edgar, General Secretary of the National Council of Churches of Christ in the USA, and Rev. John McCullough, Executive Director of the Church World Service, pertaining to the escalating cycles of violence and victimization involving Israeli forces and Palestinians, the call to all parties involved to cease immediately all acts of violence, and condemnation of the disproportionate use of force by the Israeli military including helicopters, tanks and heavy weapons against the civilian population in the occupied territories;

And be it resolved, that the General Assembly of the National Council of Churches of Christ in the USA expresses its concern and prayerful support for the Christian churches in Jerusalem and the occupied territories and for strengthening their continued presence in the Middle East;

And be it resolved, that the General Assembly of the National Council of Churches of Christ in the USA reiterates its support for self-determination for the Palestinian people and establishment of a Palestinian state, and its call for the preservation of the city of Jerusalem as an open, shared city where free access to Holy Places and freedom of worship are assured for people of all faiths;

And be it resolved, that the General Assembly calls upon the member churches of the National Council of Churches of Christ in the USA to encourage their members to support through prayer the Christians and Muslims of Palestine, and the Jewish people of Israel and all of the people affected by this violence to support Israelis and Palestinians working for true peace and justice, and to convey to United States public policy makers expressions of concern for peace with justice and reconciliation in the region.

And be it resolved, that the General Assembly calls upon the President of the United States of America to continue the U.S. efforts to mediate and convene meetings of the parties and that he, along with the United Nations, be encouraged to work towards a just and lasting peace in the Middle East.



**DECLARATION OF THE JOINT MEETING OF MUSLIM IMAMS AND BISHOPS
AND CLERGY OF THE DIFFERENT DENOMINATIONS OF THE CHURCHES IN
EGYPT, 19 NOVEMBER 2000**

[On 24 Oct. 2000, the Deputies of the Grand Sheikh of Al-Azhar, Dr. Fawzi Az-Zefzaf and Dr. Ali Al-Simman, chaired together with Dr. Said Tantawi and Bishop Mounir Anis of the Anglican Church in Egypt and North Africa, Bishop Yohanna Kolta representing Patriarch Estaphenous II of the Roman Catholic Church in Egypt, and Bishop Moses representing Pope Shenuda III of the Coptic Orthodox Church a meeting at Al-Azhar - attended by Imams and Clergies from all different denominations - to discuss the sad situation in Jerusalem and Palestine. As a result, the following statement was issued:]

Out of the common human values between Islam and Christianity which defend human dignity and rights, Al Azhar and the Christian Churches in Egypt reject the aggression of Israel on the Palestinians and their properties and the unjust and murders of the innocent.

We Muslim and Christian leaders reject and denounce the inhuman practices of the Israeli Army on Islamic and Christian Holy places in the Palestinian cities especially El Aqsa Mosque in Jerusalem.

We, the Islamic and Christian leaders agreed unanimously that all the Israeli aggressive practices against the Palestinians is against all human rights, religions and all International Laws. We plead to all Nations and Governments of the world and all International organizations to intervene immediately to stop the Israeli wild attacks on Palestinians and to withdraw from the occupied territories allowing the Palestinians to have their rights in resisting Israeli occupation and establishing their independent country with Jerusalem as its capital.

We appeal to the leaders of the Arab and Islamic and all Nations, Governments all over the world, the leaders of the Churches and international organizations that work in human relief to offer their urgent humanitarian help and support to the Palestinians as they face all kinds of humiliation and starvation by the Israeli Government.



**STATEMENT BY SOUTH AFRICA ON "THE SITUATION IN THE MIDDLE EAST,
INCLUDING THE PALESTINIAN QUESTION", UN SECURITY COUNCIL,
NEW YORK, 22 NOVEMBER 2000**

Mr President,

The Non-Aligned Movement comes before this meeting today and wishes to repeat its call to Israel to stop subjecting the Palestinian civilians to collective punishment. This is in violation of the Fourth Geneva Convention of 1949. We reiterate our call to Israel to act with restraint, and to meticulously abide by its legal obligations with respect to the Fourth Geneva Convention.

Just more than a month ago, this august body met in emergency session, in accordance with its mandate as the custodian of international peace and security, and adopted resolution 1322. The resolution called for the establishment of an international enquiry to the conflict. The NAM believes that the full and expeditious implementation of Security Council Resolution 1322 would go a long way in proving that the Council is prepared to take decisive action in the maintenance of international peace and security. It is time to seriously consider protecting the Palestinian people.

Mr President,

The NAM firmly believes that it remains the permanent responsibility of the United Nations to stay fully engaged in the Palestinian question until a definitive solution is achieved. In this regard, we welcome and fully support the important role of the UN Secretary-General in the pursuit of peace at the Sharm Al-Sheikh Summit, and his efforts in the recent dialogue with both the Israelis and Palestinians. This serves to reaffirm the primacy of the UN in global peace and security. We appeal to both parties to respond constructively.

It is incumbent upon the UN to adopt measures to protect the Palestinian people, and to ensure that actions which exacerbate their suffering, must not be allowed to continue. The international community has an obligation to this end. We call on the Council to seriously consider the immediate deployment of a protection force to the region.

Mr President,

The question of Palestine constitutes the nucleus of the Middle East conflict. The achievement of the inalienable right of the Palestinian people to self-determination and to an independent State with East Jerusalem as its capital, is pivotal to the achievement of a sustained and comprehensive peace in the Middle East.

The Movement believes that peaceful negotiation is the only means of ensuring lasting peace, security and stability in the region. We urge the parties to take the required steps to ensure the cessation of hostilities, to restore calm, and adopt measures to re-establish mutual trust. It is only then that an atmosphere conducive to the resumption of negotiations, can be created.

The Ministers of NAM, meeting in September in New York during the Millennium Assembly, reaffirmed their determination to actively strive towards the achievement of a just and comprehensive peace on the basis of Security Council Resolutions 242 (1967) and 338 (1973).

Mr President,

In a statement issued in Pretoria yesterday, the South African Government strongly condemned the attack on the Israeli civilian bus two days ago. We equally strongly condemned the disproportionate and excessive retaliatory attacks by the Israeli security force that followed, disturbingly moving the crisis to a precarious new level. We must ask ourselves the question: how much longer can this collective punishment by an occupying militarily superior force - in violation of international humanitarian law - be endured by the Palestinian people? Closures, blockades, and restrictions on the movement of goods, persons, and resources imposed by Israel have resulted in the economic suffocation of the Palestinian people. The crisis has exacted too much suffering and claimed too many innocent lives.

We firmly believe that the condition of land for peace is essential if meaningful progress in the peace process is to be attained. For a durable, just and comprehensive peace, negotiation towards final status issues has to be in accordance with the relevant UN resolutions and international legitimacy.

I thank you.



**UN HIGH COMMISSIONER FOR HUMAN RIGHTS, MARY ROBINSON, ON THE
"QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB
TERRITORIES, INCLUDING PALESTINE", NEW YORK, 29 NOVEMBER 2000
[EXCERPTS]**

IV. HUMAN RIGHTS SITUATION IN THE OCCUPIED PALESTINIAN TERRITORIES

25. While in the occupied Palestinian territories, the High Commissioner received information from numerous sources alleging serious violations of human rights, both in relation to recent events and more long-term systematic abuses originating from the occupation itself. Also alleged was a failure on the part of Israel to adhere to international humanitarian law, in particular the 1949 Fourth Geneva Convention relative to the protection of civilians in time of war, whose applicability to the occupied territories has been repeatedly reaffirmed by United Nations bodies, including the Security Council, the General Assembly and the Commission on Human Rights. Particular areas of concern with regard to recent developments included: excessive and disproportionate use of force, including alleged attacks on medical personnel; the arbitrary destruction of property; the effects on Palestinian residents of Israeli settlement activity, including restrictions on freedom of movement; the serious economic impact on the residents of the occupied territories; the violations of the human rights of children; and restrictions on access to humanitarian assistance.

Excessive use of force

26. The most persistent allegation brought to the attention of the High Commissioner was that Israeli security forces have engaged in excessive force, disproportionate to the threat faced by their soldiers. A wide range of observers, including United Nations representatives, expressed the strong view that the very high number of casualties, combined with the nature of the injuries being sustained, including by young people, could only be consistent with a military response which was both excessive and inappropriate. With only minor regional variations, this pattern was, said the observers, repeated in different locations throughout the affected areas.

27. The High Commissioner had requested a meeting with the Israeli Defense Forces (IDF). The meeting was facilitated by Israel and took place at Ben Gurion Airport on 13 November prior to her flight to Cairo. It is described in some detail in paragraphs 66 to 71 below but, as it offered an opportunity to hear the Israeli perspective on the allegations of excessive use of force, the relevant comments or a reference to the relevant paragraphs are inserted in the present section of the report.
28. In an attempt to disperse the demonstrations, the Israeli military authorities have used live ammunition, rubber coated steel bullets and tear gas, all of which have resulted in deaths and injuries amongst the Palestinians. Heavier weapons have also been used, including rockets fired by infantry and from helicopters, armored vehicles which have been deployed throughout the Gaza Strip and the West Bank, and heavy machine guns. The use of heavy weapons has raised the incidence of death and injury amongst non-combatants and, indeed, several such deaths occurred during the period of the High Commissioner's visit.
29. A high percentage of the injuries sustained by Palestinians have been to the upper part of their body, including a large number of eye injuries, some caused by the firing of "rubber" bullets at close range. The result is often the loss of an eye, but can also be severe brain damage or death. In subsequent discussions senior IDF representatives accepted the potential lethality of "rubber" bullets, and also that of tear gas, if used in a confined area, as has been alleged.
30. When asked about the reported injuries, senior IDF officers told the High Commissioner (see paras. 69-70 below) that the methods and weapons employed by the IDF in dealing with the present crisis are carefully calibrated according to the nature of the threat being faced and, in particular, that live fire, whether from small arms or heavier weapons, has only been directed at those who have used firearms or petrol bombs in attacks against Israeli forces.
31. While in the Gaza Strip, the High Commissioner visited Shifa Hospital, the largest hospital in Gaza with 650 beds and 8 operating theatres. The High Commissioner met with 45 patients, including boys and girls under 18 and their relatives. A 15-year-old, now a paraplegic, informed the High Commissioner that he was shot by Israeli soldiers while he was demonstrating and throwing stones in the industrial zone close to Erez checkpoint. He had joined other teenagers after school to express his anger following the death of one of his schoolmates the previous day. A 14-year-old wounded in the arm and leg explained that he had gone to throw stones in revenge after a classmate had been shot and blinded in both eyes, and the doctor accompanying the High Commissioner confirmed he had treated this other boy. The High Commissioner heard numerous anecdotal accounts of shootings involving Palestinians who, it was said, could not have been involved in any form of protest activity, for example, an elderly man who was shot twice near the door of his house and a pregnant woman who was shot whilst on the roof of her house. See paragraphs 69 and 70 below for the IDF response on rules of engagement and child casualties.
32. The Minister of Health of the Palestinian Authority, Dr. Riadh Al-Zaanoun, told the High Commissioner that by his estimates some 6,958 persons (3,366 in the West Bank and 3,592 in the Gaza Strip) had been wounded during the period 29 September-9 November 2000 and that 1,016 Palestinians had been injured in Israel. Of those injured, he said, 40 per cent were under the age of 18. According to the Minister, the types of ammunition responsible for injuries were as follows: rubber bullets (41 per cent); live bullets (27 per cent); tear gas (27 per cent); and others, including rockets (11 per cent).
33. The Palestinian Red Crescent Society estimates that 236 Palestinians were killed and 9,353 injured during the period 29 September-23 November. During the period 27 September-23 November, Israeli official sources estimate that 30 Israelis were killed and 375 were injured. Estimates are disputed by the parties.

Impact on children

34. According to the Red Cross/Red Crescent, as of 20 November, 86 children (aged 18 and under) had been killed and over 3,000 injured, two to three hundred of whom, it is estimated, will have permanent disabilities. According to the same source, hundreds of Palestinian children have been obliged to abandon their homes in order to escape the violence. The destruction of family dwellings has left more than a thousand children without homes, often in situations of food shortage and without access to medical care.
35. The current situation in the West Bank and Gaza Strip has had a serious impact on the Palestinian education system. The High Commissioner visited two schools in the Gaza Strip and one school in

Ramallah where she was briefed by teachers on the consequences of the current situation for Palestinian pupils. She was told that since the beginning of October more than 40 schools have been closed or are unable to operate owing to curfews or closures. Other schools, such as one visited by the High Commissioner in the Gaza Strip, have been damaged by gunfire and the premises abandoned, requiring that several thousand children be fitted into other schools if possible.

36. In discussions with directors of preparatory schools and educators, as well as delegations of children in Gaza and Ramallah, the High Commissioner was told that many children suffer from psychological and social problems as a direct consequence of the current situation. Children themselves explained to the High Commissioner their fear of leaving their homes or, in some cases, of going back to their homes, and of difficulties sleeping. According to UNICEF, only about 1 per cent of adolescents in Gaza have actually engaged in demonstrations or attacks against Israeli military positions. However, teachers have reported that the rest of the students who have remained at their studies have nevertheless been mentally distracted or emotionally affected by the events in the street, with the result that their educational performance has deteriorated.

Medical personnel

37. An aspect of particular concern is the allegation that the medical condition of many of the victims has suffered, with some deaths, as a consequence of their being denied access to timely medical assistance. Reportedly, Palestinian ambulances and medical personnel have been prevented from discharging their normal responsibilities. During the High Commissioner's visit to Gaza, her vehicle was unable to proceed along the main north-south road because of an exchange of gunfire on the road ahead which had left two Israeli soldiers at a checkpoint seriously wounded and two Palestinians dead in their vehicle. The High Commissioner witnessed the fact that two ambulances were not permitted to attend to the Palestinian casualties.
38. Very serious allegations were made of attacks by Israeli security forces on medical personnel and ambulances. The High Commissioner was informed about the case of a Palestinian Red Crescent Society ambulance driver, Bassam Al-Balbisi, who had been killed while trying to approach 12-year-old Mohammad Al-Dura and his father in order to move them into an ambulance. According to Palestinian officials, 45 ambulances had been attacked by Israeli forces in Jerusalem and the West Bank and 23 in the Gaza Strip. The High Commissioner was told that nine ambulances had been put out of service owing to damage between 29 September and 9 November.

Destruction of property

39. In the Gaza Strip, the High Commissioner visited Rafah refugee camp and surrounding areas where she was able to inspect a number of private houses and apartments that had been heavily damaged by gunfire and/or rocket attack, particularly at night. The owner of one house in Rafah told the High Commissioner that she had been obliged to leave her house, within a few minutes, when she realized that an Israeli tank had already started to destroy part of the house. A farm owner told the High Commissioner that Israeli soldiers had destroyed his greenhouses and his family residence during the night of 29 October. Water wells have reportedly also been destroyed in actions carried out by settlers or Israeli forces. The High Commissioner saw that a number of fields of fruit-bearing trees, particularly olive trees, had been cleared in the occupied regions. The High Commissioner was told that, in many cases, these orchards and fields represented the entire livelihood of dozens of families.
40. According to the IDF (see sect. V below), the clearances and demolitions were carried out as matter of military necessity because these structures or plantations had been used as cover by Palestinian gunmen. The IDF told the High Commissioner that the doctrine of military necessity meant that compensation was not payable in these circumstances. Israeli officials told the High Commissioner that military action carried out in the Palestinian areas often took place at night, because this was the time when Palestinian gunfire most often occurred.

Settlements

41. At the best of times relations between Israeli settlers and Palestinians are extremely sensitive and tense. At times of crisis the settlements can become a catalyst for violence. Amongst the main concerns raised by the Palestinian interlocutors were the privileged position settlements enjoy with respect to land and water for domestic and agricultural use, the negative impact on surrounding Pal-

- estinian communities, the fact that settlers are heavily armed and live in barrier-enclosed areas protected by the IDF and that separate roads have been created for settlers alone which are prohibited to Palestinians. The concerns raised with the High Commissioner by three Israeli families living in Gilo whom she met at Ben Gurion Airport on 15 November are set out at paragraph 71 below.
42. In Gaza, Israeli installations to protect settlements there are located on the main road through Gaza and have become the focus for stone throwing and shooting by Palestinians, with severe retaliation by the Israeli military. It was strongly represented to the High Commissioner that if these military installations and heavy armoury were to move off the highway and closer to the settlements being protected this could ease tension. The IDF analysis was that the protection role could only be discharged from the present positions (see paras. 69-70 below).
 43. Following her visit to the refugee camp at Rafah the High Commissioner was driven along a settlement road and was surprised to be shown further expansions of settlements taking place.
 44. The High Commissioner visited the city of Hebron, one of the biggest administrative units in the occupied Palestinian territories in terms of area and population, and went into the Israeli controlled part of Hebron known as H2 in the company of officials of the Temporary International Presence in Hebron (TIPH). Since the first week of October, the IDF has imposed a curfew on 30,000 Palestinians living in the H2 zone, which has had an enormous impact on the enjoyment by Palestinian residents of their basic human rights. As a result of the curfew, thousands of families and their children live under virtual house arrest, confined to their homes for all but a few hours per week. During the hours when the curfew is not imposed the use of motor vehicles by Palestinian residents is forbidden, requiring residents to walk considerable distances to purchase food supplies, as shops in the Hebron H2 zone are also affected by the curfew.
 45. Workers from the Hebron H2 zone have been prevented from reaching their places of work, whether in Israel or in the occupied territories. Restrictions on freedom of movement make it increasingly difficult for the Palestinians in the H2 zone to meet their most basic needs, such as food supplies and medical care, and Palestinian children cannot attend school. In this regard, the High Commissioner was informed that 32 schools had been closed since the beginning of the events, preventing some 15,000 pupils from exercising their right to education.
 46. The curfew does not apply to the 300 to 400 Israeli settlers living in the H2 zone of the city and the settler school remains open. To ensure the safety of those settlers, the IDF maintains a large presence in that part of Hebron (700 soldiers according to the IDF; 2,000 according to another source). Three schools and several Palestinian houses in the H2 zone have been taken over by the IDF and turned into military posts.
 47. At a meeting with the Mayor of Hebron, the Minister for Transport and other officials in the H1 zone of Hebron (under the Palestinian Authority), the High Commissioner was told that, since October, 20 Palestinians had been killed in Hebron, of whom 5 were under 18 years of age, and that many houses, stores and facilities had been damaged, without compensation. Allegations were made that settlers were involved in violence against and harassment of Palestinian residents, with the tacit consent of the IDF.
 48. IDF representatives told the High Commissioner that their presence was necessary to secure the safety of the settler community, which had been subjected to regular fire from Palestinian gunmen.

Freedom of movement

49. An effective closure of the occupied territories has been applied since the beginning of October and the movement of the population there continues to be heavily restricted. The High Commissioner's own travel between Israel and the occupied territories, and within the occupied territories, afforded an opportunity to assess the immediate impact of these restrictions. It was noted that, while road closures impact heavily on Palestinians, there exists a parallel road network, established by the Government of Israel, known as the by-pass roads, exclusively for the use of Israeli settlers and the authorities, enabling them to travel freely.
50. In discussions with senior IDF representatives, the High Commissioner called for a lifting or easing of the closures. The response from the senior officer responsible for IDF operations in the occupied territories was that the closures were a necessary security measure. An explicit linkage was drawn between the closures and the release in October, by the Palestinian Authority, of some 80 prisoners who had been held in Palestinian custody and who are considered by the Israeli authorities to pose a major security threat to Israel. The High Commissioner was told that if the Palestinian Authority were to re-incarcerate these 80 prisoners then the closures would be lifted the same day.

Freedom of religion

51. The High Commissioner met Muslim and Christian leaders representing the Palestinian and Armenian communities in East Jerusalem. They told the High Commissioner that the Israeli authorities continued to deny Palestinians full access to holy sites, including the Al-Aqsa Mosque and the Church of the Holy Sepulcher.
52. Since the beginning of October, access to the Al-Aqsa Mosque has been denied to Muslims, even religious leaders, under the age of 45 years. As a result, only one tenth of the usual number of worshippers currently have access to Al-Aqsa. Representatives of both communities expressed the wish to have full responsibility for their own holy places, which is currently denied by the Israeli authorities. They complained also of disrespectful behavior by Israeli troops stationed at the holy sites. In discussing the need for religious tolerance, they explained to the High Commissioner their shared vision of Jerusalem as encompassing "one city, two peoples and three religions" and stressed the universal character of the city and the necessity to maintain its spiritual soul.
53. The High Commissioner relayed these views to the Israeli authorities in her subsequent discussions with them. In particular, she expressed her concern that restrictions on access to the holy sites could result in increased tension during the coming month of Ramadan. The Israeli authorities told the High Commissioner that the restrictions were necessary to prevent armed extremists from occupying the holy sites, which would necessitate an Israeli military response. They argued that the degree of control over holy sites currently given to Palestinians was greater than that which had been accorded to Jewish communities prior to the creation of the State of Israel. In some cases where Palestinians had been entrusted with the protection of holy sites, such as Joseph's Tomb, these sites had subsequently been desecrated.

Economic impact

54. The United Nations development and humanitarian agencies operating in Jerusalem and Gaza provided comprehensive briefings to the High Commissioner on the impact that the current situation, particularly the closures, is having on the enjoyment by Palestinians of their economic rights and their right to development. They explained that the seriousness of the economic situation required that they put development programmes on hold and concentrate on emergency response and relief.
55. Approximately 128,000 Palestinian workers, normally employed in Israel, are currently barred from travelling to their workplaces. The movement of Palestinians within the occupied territories is severely restricted under the strict internal closure imposed, for instance, on the various parts of the West Bank.
56. According to the Israeli Ministry of Defense figures, the restrictions affect 20 per cent of the Palestinian workforce and some 35 per cent of total salary income. According to the Office of the United Nations Special Coordinator, unemployment had tripled since the beginning of October, which translates into a loss of household income of some 10 to 11 million dollars per day. While most reports indicated that there were adequate supplies of food within the occupied territories, the means with which to purchase food, medicines and other basic necessities are rapidly becoming exhausted as affected families use the last of their savings.
57. United Nations studies also report a 50 per cent reduction in normal economic activity within the territories themselves. Restrictions on the movement of Palestinians within the West Bank have had economic consequences. Another serious factor has been the restriction on the import of raw materials, particularly cement. The ban on the movement of cement has effectively brought construction, normally the single largest industry in the occupied territories, to a standstill.
58. According to a Ministry of Defense briefing provided to the High Commissioner, loss of confidence among Israelis has also had a major effect on economic conditions in the occupied territories. In 1999, some 100,000 Israelis travelled to the territories for commercial reasons, generating income of \$500 million. Cooperative projects in industrial zones along the "green line" between Israel and the territories had resulted in the completion of 25 factories but since the start of the intifada, three of these factories have been burned and an industrial estate attacked, with the result that investor confidence has plummeted. The Ministry representatives also stated that the effects of the closures have been exacerbated in some cases by the reluctance of Palestinian Authority officials to cooperate with Israeli security processes at border checkpoints.

59. According to an International Monetary Fund (IMF) briefing provided to the High Commissioner, a factor which has aggravated the economic impact of the closures and other restrictions has been the failure of the Israeli authorities to make available to the Palestinian Authority in a timely manner certain tax revenues owed to it under existing agreements, which has affected the capacity of the Palestinian Authority to pay salaries to its employees.
60. Although the adverse economic consequences of the current situation are being felt most acutely in the occupied Palestinian territories, they have also had a negative impact on the Israeli economy.

Humanitarian access

61. Access is a major preoccupation for all humanitarian organizations operating in the occupied territories. Of particular concern are the restrictions imposed on the movement of United Nations local Palestinian staff, who make up the vast majority of United Nations employees in the occupied territories.
62. The High Commissioner was informed that because of the closures, emergency evacuation of seriously injured civilians for treatment abroad is difficult. Restrictions on access also affect the import of donations of humanitarian goods and equipment from abroad. Imports into Gaza involve unloading of the cargo of every truck originating from Israel at the Gaza/West Bank entry check-points and reloading onto other trucks for onward delivery. United Nations agencies have reported difficulties in obtaining clearance for emergency health kits.
63. The Ministry of Defense indicated that it was doing everything possible to facilitate humanitarian access to the occupied territories. During October alone, the Ministry representatives said, requests from some 80 countries had been processed in relation to medical supplies, blankets and sophisticated hospital equipment. A special coordination center had been set up in order to bypass the usual bureaucratic channels and close liaison had been established with the Palestinian Authority.
64. The High Commissioner, in her subsequent discussions with senior IDF representatives, raised the specific issue of UNRWA medical supplies that had been blocked in Jerusalem. The IDF representatives indicated that this type of cargo should not be the subject of any restriction and they undertook to facilitate its delivery.

[...]

V. VISIT TO ISRAEL

65. The High Commissioner's visit to Israel allowed her to address general human rights issues and hear the views of a wide range of Israeli citizens and organizations, both Jewish and Arab. However, given the current situation, most discussions focused on the human rights situation in the occupied territories. The following paragraphs reflect the Israeli perspective on the situation.

Excessive use of force

66. On 13 November, following her visits to Gaza, Hebron and Ramallah, the High Commissioner discussed, with the Israeli authorities, the use of force by the IDF and other security forces. The High Commissioner expresses her appreciation for the very frank and informative meeting with the senior IDF officers responsible for security, intelligence, legal issues, weapons development and public affairs, which the government facilitated.
67. The IDF officers outlined their view of the genesis of the present situation - a view which was shared by other Israeli government officials. In brief, the view was put that the current intifada had been launched as a deliberate strategy of the Palestinian leadership. On offer at Camp David had been a Palestinian State, with reference made to both a right of return and a negotiated division of Jerusalem. According to the IDF, the Palestinian leadership, unwilling to make the difficult political compromises required, had ignited what it hoped would be a "CNN war" in which Palestinian losses would rally the support of the Muslim world and sway public opinion in the West. The aim was to increase international pressure on Israel to make further concessions. The ultimate goal was a Kosovo-style intervention force to protect "Palestinian territory", rather than "Palestinian people", thereby achieving a resolution without having to go to the negotiating table.
68. In terms of the pattern of the violence, the IDF officers described as typical a situation which commenced with stone throwing but which quickly escalated into armed attacks. Whereas the previous intifada had almost exclusively featured stone throwers, who were dealt with using riot control techniques, the Palestinians were now armed and many incidents featured a lethal mix of stone

throwers and shooters. It was stated that out of 5,085 attacks on Israeli settlements, some 1,400 had involved live fire, including machine gun fire or the use of firebombs.

69. The IDF officers said that, according to their rules of engagement, attackers who use live ammunition could be shot by soldiers and sharpshooters deployed for that purpose. Nevertheless, they said, the IDF was only using 2 per cent of its military force. The High Commissioner was told that most of those killed over recent weeks had been armed attackers, shot after opening fire on Israeli positions. Some, however, had been killed in the crossfire, by one side or the other. Asked about the number of child casualties, the IDF officers responded that they were unable to indicate ages and numbers as the IDF generally had no access to the dead and wounded on the Palestinian side. However, they felt that the numbers reported were exaggerated and told the High Commissioner that the Tanzeem militia recruited and armed children.
70. Asked why the IDF reportedly often resorts to the use of live ammunition instead of non-lethal weapons, the IDF officers indicated that the military tactics being employed against them influenced the types of weapons the IDF could employ. They explained to the High Commissioner that Israel was concerned to reduce the number of casualties. So-called less-than-lethal weapons (which can still kill at short ranges or high concentrations) such as plastic coated bullets, tear gas and water cannons are only effective at a range of 50-100 metres. But at this range troops are vulnerable to live fire. The IDF have over the last few months field-tested dozens of weapons but have concluded that less-than-lethal weapons effective to a range of 200 metres do not currently exist. As a consequence, new weapons systems are being developed which, the IDF hope, will soon be deployed to control crowds effectively at longer ranges with little or no risk of serious injury.
71. Before leaving Israel on 15 November, the High Commissioner met at Ben Gurion Airport with three families from Gilo, a Jewish settlement on the outskirts of Jerusalem, who described nightly gunfire directed at their homes from a neighboring Palestinian area. They also expressed concern that this resulted in heavy retaliation by the Israeli side, causing an intolerable situation for all civilians. They had had good relations with their Arab neighbors and were appalled at how the situation had deteriorated. Their families had lived in Gilo for upwards of 20 years and they did not see themselves as settlers. They urged the need to stop the violence and return to political dialogue.

Investigations: compensation for damage

72. Matters which the High Commissioner pursued with IDF representatives were the issue of how the use of lethal force was investigated by the IDF, what punishments were available for improper or excessive use of such force, and how many investigations had been conducted to date and with what result.
73. She was told that, unlike the situation during the previous intifada, when the Israeli army was in full control of the occupied Palestinian territories, there was currently no policy of routine investigation into the use of lethal force. Investigations could, however, be carried out internally if there was a particular reason to suspect that improper conduct had taken place. It was explained that that decision had arisen from the IDF evaluating that the current situation could be described as a state of "active warfare". In that situation the rules of war applied and soldiers were not required to account for each shot fired. In any case, the IDF representatives said, the number of shots being fired made such a policy impractical. Reference was also made to the practical difficulties of investigating incidents in areas under Palestinian Authority control. Another consequence of the IDF decision about the state of "active warfare" was that compensation would no longer be made for the military use of private property, as it had been in the past. Asked about the destruction of houses and orchards in the occupied Palestinian territories, the IDF representatives advised the High Commissioner that there was no question of compensation as, under the rules of war, those areas had been cleared as a matter of military necessity because they had been used as cover by Palestinian gunmen.
74. The IDF representatives added that the new assessment of their current legal situation would normally also affect their own rules of engagement. In the present case, however, a decision had been taken to maintain the same rules of engagement as applied in previous intifada, in order not to increase the number of casualties. The IDF representatives made the point that double standards were being applied in relation to the Palestinian side which was not under international scrutiny about its rules of engagement or its policy on investigating shootings and violations of human rights. The IDF representatives referred to the lynching of two Israeli soldiers in Ramallah.

Situation of Arab Israelis

75. The situation of Arab Israeli citizens was raised at a meeting between representatives of Israeli NGOs and the High Commissioner as a specific human rights problem, albeit one which could not be entirely separated from the general situation in the occupied territories. Representatives of a number of Israeli NGOs indicated that Israeli Arabs, who represent 20 per cent of the State's population, had faced decades of neglect and discrimination on the part of the Israeli authorities.
76. Representatives of the Ministry of Foreign Affairs told the High Commissioner that the Government of Israel was taking measures to promote the integration of Israeli Arabs into Israeli society and to guarantee their rights as full citizens. Most Israeli interlocutors, including officials, acknowledged, however, that Israeli Arabs had suffered disadvantage and discrimination and that there was still some way to go in achieving full equality for that community. The President of the Supreme Court, Chief Justice Aharon Barak, briefed the High Commissioner on judicial action taken by the Supreme Court with respect to issues of equality, including decisions granting Arabs the right to purchase land in Israel. He also outlined the liberal approach adopted by his court concerning issues such as standing and jurisdiction in civil cases, which enabled NGOs to bring suits on behalf of aggrieved persons.
77. Most of the Arab Israelis whom the High Commissioner met described their situation as one of exclusion, prejudice, official hostility and routine humiliation. Since 28 September, however, the threat of violence which has engulfed many of their communities has become the primary concern of Arab Israelis. There was a sense of frustration that their problems were perhaps less well recognized than those of Palestinians living in the occupied territories.
78. Arab Israeli NGO representatives told the High Commissioner that, following the street demonstrations that took place in Arab cities and villages in Israel at the end of September and beginning of October, the security forces had responded with brutality and excessive force, using live ammunition, tear gas and plastic coated bullets, in contrast to the more moderate tactics employed against Jewish protesters. This had led to the deaths of 13 Arab Israeli citizens. Many more had been injured and more than 1,000 arrested. A particular concern was the manner in which detention policy was being implemented. Many arrests, including of minors, were being carried out during nighttime raids on homes. Once arrested, Arab detainees, including minors, were, according to these sources, far more likely to be held in custody without bail until the conclusion of their trials. It was asserted that this pattern was the result of a deliberate policy of discrimination against Arab Israelis on the part of the Attorney General's Office and the State Prosecutor's Office. It was further asserted that this policy extended to appealing every decision to release Palestinian detainees, which did not apply where Jewish detainees were concerned. Concern was expressed that the courts had largely acquiesced to these policies, with the result that large numbers of young Arab Israelis remained in detention. This issue was raised by the High Commissioner with the State Attorney General who indicated that she would look into the situation of young detainees.

Israeli Commission of Inquiry

79. On 11 November, the Government of Israel decided to establish a State commission of inquiry to inquire into the clashes, since 29 September, between the security forces and Israeli citizens in which 13 Arabs were killed and hundreds of people injured. The Commission, composed of three members, will be chaired by a justice of the Supreme Court. The Judicial Commission of Inquiry Law gives this Commission full power to subpoena and obtain information from anyone it deems may be able to assist in its inquiry. Witnesses who testify before it enjoy full immunity. Its mandate is to investigate how the events developed, determine the facts and draw conclusions. The Commission of Inquiry will decide for itself whether to publish its findings. It will not address cases which occurred in the occupied Palestinian territories or cases involving non-Israeli citizens.
80. Some Arab Israeli NGOs have welcomed the establishment of the Commission of Inquiry, while regretting that time was lost by the Government in establishing initially a more limited "examining committee". Others have expressed skepticism as to whether it will adequately address the issues.

National human rights commission

81. Recent events in Israel have underlined the need to strengthen national mechanisms for the protection and promotion of human rights, especially in the area of non-discrimination. In this context, the High Commissioner noted the positive steps being taken towards the establishment of an independent national human rights commission.

82. During the High Commissioner's meeting with the Minister of Justice and representatives of civil society such as human rights lawyers, academics and experts, the Minister reiterated his commitment to establish a human rights commission. He mentioned that the Minerva Center for Human Rights at the Hebrew University of Jerusalem had undertaken to carry out research on national human rights institutions and to recommend a model for an Israeli institution. In the first stage of the project, the research team examined international guidelines and the legislative and administrative structure, function and modes of operation of human rights institutions in other countries. The NGO community had also been consulted when the proposal was being drawn up and their concerns, ideas and suggestions had been discussed with the research team.
83. Following these consultations the research team will prepare a draft report which will be distributed for comments among government officials, academic institutions and the NGO community. The final proposal, which will incorporate the responses on the draft report, will be presented to the Minister of Justice by March 2001. The High Commissioner was advised that the proposal will include recommendations on the relationship between the human rights commission and the Parliament and the Government, as well as existing executive bodies, such as the State Comptroller, the Ombudsman and the recently established Commission for Equal Rights for People with Disabilities. The final report will present the amendments needed to current legislation and recommend draft implementing legislation.
84. The High Commissioner offered the services of her Special Adviser on National Human Rights Institutions to assist the Government in its efforts towards the establishment of a national commission. On 17 November, the High Commissioner wrote to the Minister of Justice reiterating this offer. [...]

VIII. CONCLUSIONS AND RECOMMENDATIONS

90. The High Commissioner came away from her visit deeply concerned about the serious deterioration of the human rights situation in the occupied territories and Israel and at the terrible cost in terms of human lives. It is vital that both parties renew efforts to halt the current dangerous escalation.
91. Mindful of the urgent and widespread calls for international protection made to her during her visit to the occupied territories, the High Commissioner believes that every effort should be made to explore the feasibility of establishing an international monitoring presence.
92. The only path to lasting peace and stability is through peaceful negotiation, which calls for courage and responsibility on the part of the leadership of both sides. When she met with Chairman Arafat in Gaza on 15 November, the High Commissioner asked him if he would publicly call for an end to the shooting by Palestinians. Later the same day he called on Palestinians to stop firing on Israeli targets from zone "A" of the occupied territories. In discussions with senior IDF officers, the High Commissioner also urged a withdrawal of Israeli military forces from some of their forward positions and a lowering of the military profile in the occupied territories. She continues to believe that some specific steps in that direction by the IDF could help to break the present cycle of violence.
93. The High Commissioner believes that a peaceful and stable future in the region can only be achieved on the basis of a framework conforming to the requirements of international human rights and humanitarian law. Full application of the international human rights standards set out in the Universal Declaration of Human Rights and the two Human Rights Covenants is essential.
94. The High Commissioner recalls that the General Assembly and the Commission on Human Rights have repeatedly reaffirmed the *de jure* applicability of the 1949 Fourth Geneva Convention relative to the Protection of Civilians in Time of War to the occupied Palestinian territories. Article 1 of the Convention places a duty on all the High Contracting Parties "to respect and to ensure respect" of the provisions of the Convention "in all circumstances". It would be appropriate for the High Contracting Parties to assume their responsibility under the Convention.
95. Another way in which the international community can assist is through the work of the task force established under the terms of the Sharm El Sheikh Agreement.
96. The High Commissioner would urge that the following specific steps be taken in order to stop the escalation of violence:
- The security forces of both sides should act in full conformity with the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Whenever force is used the principle of proportionality has to be ap-

plied and all necessary measures have to be taken to avoid loss of life or injury to civilians or damage to civilian property.

- The construction of new settlements should cease and those located in heavily populated Palestinian areas should be removed. As well as protecting settlers, the Israeli security forces should also protect Palestinians from violence perpetrated by Israeli settlers.
- All cases of the use of lethal force on both sides should be investigated and subjected to the processes of justice in order to avoid impunity.
- Compensation should be provided to the victims of unlawful use of force, including for the loss of property.
- Curfews should be imposed only in extreme circumstances and as a last resort. In no case should curfews be used as a punitive measure. In cases where a curfew is imposed, it should be done in consultation with the local communities with a view to limiting the adverse impact on the human rights of those affected.
- The enjoyment of economic rights within the occupied Palestinian territories, including the right to development, should be protected.
- All holy sites and access to them by all faiths should be respected.
- The Israeli authorities should ensure freedom of movement of international and national staff of United Nations agencies and facilitate access by them to those in need of assistance.
- Cooperation with the United Nations agencies is vital to ensure effective humanitarian assistance in the occupied Palestinian territories.

97. The High Commissioner will:

- Continue, through her office in the occupied Palestinian territories, to assist the Palestinian Authority to build up its institutional capacity in the area of the rule of law;
- Offer the services of her Special Adviser on National Human Rights Institutions to assist the Government of Israel in its efforts towards the establishment of a national human rights commission;
- Provide the necessary secretariat support for actions undertaken by the Commission on Human Rights, and its mechanisms, in the implementation of the resolution adopted at its fifth special session;
- Stand ready to facilitate dialogue between the human rights bodies of Israel and the Palestinian Authority, Palestinian and Israeli NGOs, and other representatives of civil society in order to enhance mutual understanding;
- Urge the international community to support the work of United Nations agencies in the occupied Palestinian territories and, in this context, contribute generously to the different resource mobilization initiatives currently under way including those of the World Food Programme, UNICEF, the World Health Organization and UNRWA.



BISHOPS' CONFERENCE OF ENGLAND AND WALES, STATEMENT ON THE IMPORTANCE OF SUSTAINING THE MOMENTUM OF THE PEACE PROCESS IN THE HOLY LAND, NOVEMBER 2000

The Bishops' Conference:

Expresses its sadness at the recent violence in the Holy Land and the grievous suffering that has been caused by this and requests renewed prayers for a just peace. Many hopes appear to have been dashed by the violence: especially those of a negotiated settlement that would guarantee the fundamental rights of all the peoples of the region to live in justice, dignity and security, and so allow members of two peoples and three faiths to live side by side in reciprocal respect;

Recognises that every death by violence is a tragedy, and in many cases a crime. But it is also important to notice that there is a gross disparity between the numbers of those killed and wounded on each side;

Echoes some powerful recent words of the Holy Father, who wrote, "Only a return to the negotiating table on an equal footing, with due respect for international law, is capable of disclosing a future of brotherhood and peace for those who live in this blessed land". One implication of this expression of the Holy Father deserves particular attention - that negotiations between a strong party and a weaker one can only succeed in bringing justice given the vigilant support of the international community, especially where international law is at stake. The Bishops' Conference therefore urges Her Majesty's Government and the European Union to offer the necessary support for the negotiations;

Is fully conscious of the constraints on the main political leaders involved, who each have to take account of factions seemingly bent on further and systematic violence; and encourages them to continue with courage in the search for peace; since the more massive the present violence, the greater must be the paralyzing fear of subsequent bitterness and vengeance;

States its concern at the continued attempts of the Government of Israel to expand and build settlements, so creating new 'facts on the ground' at this highly critical stage of the peace process;

Expresses the prayerful hope that the momentum of the last few years, towards a peaceful and just co-existence, will not be reversed by the current violent conflict.



**WORLD COUNCIL OF CHURCHES, MESSAGE TO THEIR BEATITUDES THE
PATRIARCHS AND HEADS OF CHRISTIAN COMMUNITIES IN JERUSALEM,
GENEVA, 12 DECEMBER 2000**

Your Beatitudes, Graces and Eminences,

The Office of the World Council of Churches, meeting on the eve of the Advent Season, have once again turned their thoughts to you and all the people of Palestine. They have asked that I write you to assure you of their and the World Council of Churches' constant prayers.

I do so with a heavy heart, deeply conscious of your pain and suffering in these days when you mourn the deaths of so many of your children and friends; when Palestinians suffer the destruction of many of their homes and pass once again through the valley of the shadow of violence and death. Nor can we ignore the victims on the Israeli side of the continuing conflict.

In my Christmas message I have pointed out that the World Council of Churches will soon launch the Decade to Overcome Violence: Churches seeking reconciliation and peace.

I also recalled the centuries-old unwritten rule that at Christmas a cease-fire be observed in all situations of military conflict. Here I had particularly in mind our sisters and brothers caught up in the new spiral of violence in Israel and Palestine.

Desirable as it would be, a cease-fire is clearly not enough. Our shared goal must be true peace, a peace built on the foundations of justice. Together with you, therefore, we long for justice for Palestinian people. Just peace and an end to the vicious cycle of violence is more than an urgent political necessity. It confronts us with the call to repentance and a change of heart, the readiness to recognize the God-given dignity and the rights of the other. It was surely this transformation that the Prophet had in mind when he foretold the coming of the Prince of Peace.

In these days Christians around the world prepare to celebrate the birth of the Christ child, confessing anew our faith in God who humbled himself and took on human flesh in order that we might be reconciled to God and with one another. Many will draw hope once again from the song of the Virgin Mary, praising God who "has regarded the lowly estate of his handmaiden" and saying

"His mercy is on those who fear him from generation to generation.

He has shown strength with his arm, he has scattered the proud in the imagination of their hearts.

He has put down the mighty from their thrones and exalted those of low degree.

He has filled the hungry with good things, and the rich he has sent empty away."

For two millennia Christians have turned at this time of year to the Holy Place of the manger, Bethlehem, to celebrate the birth of Jesus. Many have longed once to make the pilgrimage to the manger, there to kneel down before the birthplace of the Christ child. This year especially, millions anticipated making this journey, and you have gone to great lengths to prepare virtually impossible such pilgrimages and those of Christians in Palestine itself.

Nevertheless, the bonds of faith and love cannot be broken by violence and war. You are not alone in this tragic time. We and other Christians around the world will be making a pilgrimage of the heart to the manger, surrounding and sustaining you now and always in prayer.

May the hope that abounds in this time of preparations for the Holy Feast of Christmas give birth to a new day of peace and joy and prosperity for you and all who live in the land which has been forever blessed by the coming of Christ.

Yours ever in Emmanuel,

Konrad Raiser,
General Secretary



**UN SECURITY COUNCIL, DRAFT RESOLUTION ON THE DEPLOYMENT
OF A UN OBSERVER FORCE IN THE PALESTINIAN TERRITORIES 1171 (2000),
NEW YORK, 18 DECEMBER 2000**

[This draft was submitted by non-aligned nations and called for an observer force to help implement the Sharm El-Sheikh Agreements, end violence, and enhance the safety and security of Palestinians. Eight nations voted for the draft, seven (US, UK, Russia, France, Holland, Canada and Argentina) abstained, so the resolution failed to be adopted, which Israel welcomed.]

The Security Council,

Reaffirming its resolution 1322 (2000) of 7 October 2000, and calling for its speedy and full implementation,

Expressing grave concern at the continuation of the tragic and violent events that have taken place since 28 September 2000 and have led to many deaths and injuries, mostly among Palestinians,

Stressing the need for measures to ensure impartial protection of the Palestinian civilian population under Israeli occupation,

1. *Calls* for the immediate cessation of violence and excessive use of force;
2. *Expresses support* for the understandings reached at the Summit convened at Sharm e-Sheikh, Egypt, and urges all parties concerned to implement these understandings honestly and without delay;
3. *Expresses its determination* to establish a United Nations Force of military and police observers to be dispatched throughout the territories occupied by Israel since 1967, with the aim of contributing to the implementation of the Sharm e-Sheikh agreements, the cessation of violence and enhancing the safety and security of Palestinian civilians;
4. *Requests* the Secretary-General to consult both sides on the composition, modalities of deployment and functioning of such a Force, including arrangements enabling it to:
 - (a) observe the situation throughout its area of operation, where it should be able to move freely and reach a location of tension and instability;
 - (b) liaise, whenever necessary, between the Israeli army and the Palestinian Authority;
 - (c) draw upon, whenever necessary, existing United Nations resources in the area;
 - (d) report periodically on its activities, as well as in specific cases, to the Secretary-General;
5. *Requests* the Secretary-General to complete the consultation and to report to the Council on the Force no later than 8 January 2001;

6. *Expresses* its support for the Middle East peace process and the efforts to reach a final settlement between the Israeli and Palestinian sides, and urges the two sides to cooperate in these efforts;
7. *Decides* to remain seized of the matter.



THE CLINTON PARAMETERS, 23 DECEMBER 2000

[After the failed July 2000 Camp David Summit, talks between the Israeli and Palestinian delegations continued to narrow gaps on various issues, but there was no comprehensive agreement. In a last ditch effort, US Pres. Clinton offered "Parameters" to both sides, which were meant as guidelines for final accelerated negotiations he hoped could be concluded before he would leave office in Jan. 2001. Pres. Arafat and PM Barak accepted the Parameters, but with questions and reservations. They were the basis for the final negotiations that took place in Jan. 2001 at Taba before the election of Ariel Sharon in Feb. 2001 that effectively ended the peace process.]

Territory

Based on what I heard, I believe that the solution should be in the mid-90%'s, between 94-96% of the West Bank territory of the Palestinian State. The land annexed by Israel should be compensated by a land swap of 1-3% in addition to territorial arrangement such as a permanent safe passage.

The parties should also consider the swap of leased land to meet their respective needs. There are creative ways for doing this that should address Palestinian and Israeli needs and concerns. The Parties should develop a map consistent with the following criteria:

- 80% of the settlers in blocks
- Contiguity
- Minimize annexed areas
- Minimize the number of Palestinians affected

Security

The key to security lies in an international presence that can only be withdrawn by mutual consent. This presence will also monitor the implementation of the agreement between both sides.

My best judgment is that the Israeli withdrawal should be carried out over 36 months while international force is gradually introduced in the area. At the end of this period, a small Israeli presence would remain in fixed locations in the Jordan Valley under the authority of the international force for another 36 months. This period could be reduced in the event of favorable regional developments that diminish the threats to Israel.

On early warning situations, Israel should maintain three facilities in the West Bank with a Palestinian liaison presence. The stations will be subject to review after 10 years with any changes in status to be mutually agreed.

Regarding emergency developments, I understand that you still have to develop a map of relevant areas and routes. But in defining what is an emergency, I propose the following definition:

Imminent and demonstrable threat to Israel's national security of a military nature requires the activation of a national state of emergency.

Of course, the international forces will need to be notified of any such determination.

On airspace, I suggest that the state of Palestine will have sovereignty over its airspace but that the two sides should work out special arrangements for Israeli training and operational needs.

I understand that the Israeli position is that Palestine should be defined as a "demilitarized state" while the Palestinian side proposes "a state with limited arms." As a compromise, I suggest calling it a "non-militarized state." This will be consistent with the fact that in addition to a strong Palestinian security force, Palestine will have an international force for border security and deterrence purposes.

JERUSALEM AND REFUGEES

I have a sense that the remaining gaps have more to do with formulations than practical realities.

Jerusalem

The general principle is that Arab areas are Palestinian and Jewish ones are Israeli. This would apply to the Old City as well. I urge the two sides to work on maps to create maximum contiguity for both sides.

Regarding the Haram/Temple Mount, I believe that the gaps are not related to practical administration but to the symbolic issues of sovereignty and to finding a way to accord respect to the religious beliefs of both sides.

I know you have been discussing a number of formulations, and you can agree on any of these. I add to these two additional formulations guaranteeing Palestinian effective control over Haram while respecting the conviction of the Jewish people. Regarding either one of these two formulations will be international monitoring to provide mutual confidence.

1. Palestinian sovereignty over the Haram and Israeli sovereignty over [the Western Wall and the space sacred to Judaism of which it is a part][the Western Wall and the Holy of Holies of which it is a part]. There will be a firm commitment by both not to excavate beneath the Haram or behind the Wall.
2. Palestinian shared sovereignty over the Haram and Israeli sovereignty over the Western Wall and shared functional sovereignty over the issue of excavation under the Haram and behind the Wall as mutual consent would be requested before any excavation can take place.

Refugees

I sense that the differences are more relating to formulations and less to what will happen on a practical level. I believe that Israel is prepared to acknowledge the moral and material suffering caused to the Palestinian people as a result of the 1948 war and the need to assist the international community in addressing the problem.

An international commission should be established to implement all the aspects that flow from your agreement: compensation, resettlement, rehabilitation, etc. The US is prepared to lead an international effort to help the refugees. The fundamental gap is on how to handle the concept of the right of return. I know the history of the issue and how hard it will be for the Palestinian leadership to appear to be abandoning this principle.

The Israeli side could simply not accept any reference to right of return that would imply a right to immigrate to Israel in defiance of Israel's sovereign policies on admission or that would threaten the Jewish character of the state. Any solution must address both needs.

The solution will have to be consistent with the two-state approach that both sides have accepted as the to end the Palestinian-Israeli conflict: the state of Palestine as the homeland of the Palestinian people and the state of Israel as the homeland of the Jewish people.

Under the two-state solution, the guiding principle should be that the Palestinian state will be the focal point for Palestinians who choose to return to the area without ruling out that Israel will accept some of these refugees. I believe that we need to adopt a formulation on the right of return to Israel itself but that does not negate the aspiration of the Palestinian people to return to the area. In light of the above, I propose two alternatives:

1. Both sides recognize the right of Palestinian refugees to return to Historic Palestine. Or,
2. Both sides recognize the right of the Palestinian refugees to return to their homeland.

The agreement will define the implementation of this general right in a way that is consistent with the two-state solution. It would list five possible final homes for the refugees:

1. The state of Palestine
2. Areas in Israel being transferred to Palestine in the land swap
3. Rehabilitation in a host country
4. Resettlement in a third country
5. Admission to Israel

In listing these options, the agreement will make clear that the return to the West Bank, Gaza Strip, and the areas acquired in the land swap would be a right to all Palestinian refugees.

While rehabilitation in host countries, resettlement in third world countries and absorption into Israel will depend upon the policies of those countries.

Israel could indicate in the agreement that it intends to establish a policy so that some of the refugees would be absorbed into Israel consistent with Israel's sovereign decision.

I believe that priority should be given to the refugee population in Lebanon.

The parties would agree that this implements Resolution 194.

I propose that the agreement clearly mark the end of the conflict and its implementation put an end to all its claims. This could be implemented through a UN Security Council Resolution that notes that Resolutions 242 and 338 have been implemented through the release of Palestinian prisoners.

I believe that this is an outline of a fair and lasting agreement. It gives the Palestinian people the ability to determine the future on their own land, a sovereign and viable state recognized by the international community, Al-Quds as its capital, sovereignty over the Haram, and new lives for the refugees.

It gives the people of Israel a genuine end to the conflict, real security, the preservation of sacred religious ties, the incorporation of 80% of the settlers into Israel, and the largest Jewish Jerusalem in history recognized by all as its capital.

This is the best I can do. Brief your leaders and tell me if they are prepared to come for discussions based on these ideas. If so, I would meet the next week separately. If not, I have taken this as far as I can. These are my ideas. If they are not accepted, they are not just off the table, they also go with me when I leave the office.



**GOVERNMENT OF ISRAEL, FINAL STATEMENT TO THE MITCHELL
COMMITTEE, JERUSALEM, 28 DECEMBER 2000 [EXCERPTS]**

[Israel had strongly opposed the creation of an independent, international commission of inquiry into the violence in the territories, but went along with the decision at the Sharm El-Sheikh summit to establish a fact-finding mission under US auspices. Nonetheless, Israel's dealings with the Mitchell Committee were problematic from the outset. The full Israeli 101-page report contains an opening statement and nine sections (Introduction and Summary; Background Issues; The Permanent Status Negotiations and the Failure of Camp David; The Immediate Causes of the Conflict; An Outline of Events; Palestinian Policies and Practices; Israeli Policies and Practices; Recommendations; and Conclusions.)]

Opening Statement

There are many images of the present conflict. For Israelis, the enduring image is of the brutal, barbaric lynching of two Israeli reserve soldiers who took a wrong turn on 12 October 2000 and found themselves besieged by a mob in a Palestinian police station in Ramallah. They ought to have

received protection in the police station. They did not. They died that day. The manner of their deaths shocked even the hardened foreign journalists who stumbled upon the scene.

The image, conveyed around the world, of one of the Palestinian attackers coming to the window of the police station to show off his bloody hands, sent a message to all Israelis. This is not a protest. This is not a riot. These are not demonstrations to convey a sense of urgency in the peace process. This is a war. If we catch you, this is the fate that you can expect to receive.

There is another sense that Israelis, overwhelmingly, have of the present conflict. It is a sense of betrayal. A sense that just as Israelis and Palestinians seemed to be on the threshold of peace, this happened. Progress in the peace negotiations since the signing of the Declaration of Principles in September 1993 had been slower than originally envisaged. It has had its difficulties along the way. But the permanent status negotiations contemplated by that agreement were proceeding with a seriousness of intent that suggested hope for the future. And then this. Not a demonstration or a passing venting of grievance but a sustained and orchestrated campaign of attacks against Israeli civilians and armed forces.

Speaking on 23 July 2000, even before the failure of the Camp David summit, a member of the Palestinian Authority, Abu Ali Mustafa, hinted at the coming violence:

The issues of Jerusalem, the refugees, and sovereignty will be decided on the ground and not in negotiations. At this point it is important to prepare Palestinian society for the next step because we will undoubtedly find ourselves in confrontation with Israel in order to create new facts on the ground. ... I believe that the situation in the future will be more violent than the intifada.

The current violence was not a spontaneous, uncontrolled outpouring in response to the visit of Ariel Sharon to the Temple Mount on 28 September 2000. The groundwork for the violence had been laid long before this. Stung by the widespread appreciation in the international community that Palestinian inflexibility was responsible for the failure of the Camp David summit, counseled not to declare a Palestinian state unilaterally on 13 September 2000 as had been planned, the Palestinian leadership looked to violence to “create new facts on the ground,” to regain, as one distinguished American commentator put it, the “moral high ground.”

To seek the moral high ground by deploying children to stand in front of men with machine guns who fire at Israelis, inviting response, is the essence of this conflict. It is an armed conflict. It is characterized by over 2,700 live fire attacks against Israelis in the 93 days of conflict - around 28 such attacks every day, across the West Bank and the Gaza Strip, as well as in Israel with bomb attacks in Jerusalem, Hadera and elsewhere. It is a conflict in which Palestinians have targeted Israeli civilians for no other reason than that they are Israelis. It is a conflict in which the Palestinian *modus operandi* has invariably been large-scale attacks, including a live fire dimension, against relatively small numbers of Israeli civilians and troops. Typically, Israeli troops coming under attack have numbered fewer than twenty. Typically, their assailants have numbered in the hundreds. Stones, Molotov cocktails, pistols, assault rifles, machine guns, hand grenades, explosives—these have been the Palestinians’ weapons of war. This is not a demonstration. This is not a riot. This has been a calculated attempt to create new facts on the ground by the use of violence.

Israel has been restrained in its response. Israeli troops have acted in self-defense and in the defense of others. Where this has been an option, they have used non lethal means - tear gas, rubber bullets - in an attempt to contain the situation. This has not always been possible. Non lethal means are not effective against lethal attack. United States and Pakistani troops deployed as part of the United Nations peacekeeping force in Somalia found themselves faced with a similar threat in October 1993. After a particularly bloody incident in which hundreds of Somalis - civilians and militia - had been killed in a confrontation with U.S. troops, a U.S. army spokesman described the situation in the following terms:

It has been our experience that the Somali gunmen who have opposed us have frequently used women and children and, at times, have worn women's clothing, to cover their movements and to protect them from attack. These gunmen do not wear uniforms or distinctive insignia; they do not carry arms openly; they are not led by accountable military leadership; they are not subject to military discipline, and they do not comply with international law. It is they who initiated the firefight and who bear ultimate responsibility for this tragic loss of life.

So it is the case here - save perhaps that the environment of competing warlords in the Somalia of 1993 is not analogous to the West Bank and the Gaza Strip in 2000. In the West Bank and the Gaza Strip, the Palestinian Authority exercises significant governmental power. It has an organized police force, often described by the Palestinian leadership as an army, of more than 30,000 men. They are well armed. Fatah, the political military grouping within the PLO answerable directly to Yasir Arafat, has a sizable militia component of its own, the Tanzim. The Tanzim has been the mainstay of this conflict, distributing Molotov cocktails, organizing attacks, perpetrating violence. Fatah and the Tanzim have given the conflict its political dimension. Israel's statement to the committee addresses all of these issues in detail—in the words of President [Bill] Clinton at Sharm el Shaykh on 17 October 2000, what happened, why it happened and how to prevent its recurrence. The committee's task is one of factfinding. Its function is to facilitate negotiations toward peace. Israel welcomes the establishment of the committee. It has an important task to perform. [...]

VIII. Recommendations to Prevent the Recurrence of Violence

[...]

344. Given the events of recent weeks, Israel considers it essential that the Palestinian side reaffirm its clearly stated and documented obligations to renounce the use of force in its relations with Israel. The basic commitment underlying the Oslo process was expressed in the exchange of notes between Israeli Prime Minister Yitzhak Rabin and PLO Chairman Yasir Arafat in which the PLO committed itself "to a peaceful resolution of the conflict between the two sides" and declared that "all outstanding issues relating to permanent status will be resolved through negotiations."
345. This commitment needs new life. There can be no resort to violence in order to solve issues in dispute or further political interests. Measures designed to prevent the use of violence and to apprehend and prosecute individuals involved in incitement and in the perpetration of or conspiracy to commit acts of violence must therefore be enforced. Previously agreed, on-the-ground arrangements, which were specially devised by the two sides to uphold security and to maintain security cooperation and coordination, must therefore be reinstated and reinvigorated.
346. These mechanisms include those established pursuant to the Wye River Memorandum, in particular, the Trilateral Security Cooperation Committee, the Ant Incitement Committee, and mechanisms designed to monitor the release of prisoners, the collection of illegal weapons, and the prevention of terror. These mechanisms must be reinstated with a commitment to ensure that they work in an efficient manner.
347. It should be understood that the point of departure for any positive change in relations between Israel and the Palestinians must be the achievement of a durable cessation of violence. In this connection, Israel considers that the Palestinian side must adopt certain concrete steps designed to send a clear message of intent both to the Israeli leadership and the general public. These measures would include the following:
1. A publicized reaffirmation by the Palestinian leadership, both written and spoken, affirming its commitment to resolve disputes with Israel by peaceful means. This message, which should be addressed to the Palestinian public, should include a clear renunciation and denunciation of any recourse to violence and terrorism;
 2. The institution of measures to: return to prison persons involved in terrorist activities against Israel; collect weapons held in contravention of agreements with Israel; stop and prevent the paramilitary training of youth and children; and resume preventive security cooperation with Israel;
 3. An obligation to institute active steps to prevent anti Israel and anti Jewish incitement in the media, in places of worship and in educational institutions. These steps must be accompanied by a conscientious attempt to institute and encourage the widespread dissemination of values

- and principles supporting peaceful coexistence. In this context, it is suggested that both parties work together to enhance the dialogue and relations between their peoples within the framework of the People to People Program established under the Interim Agreement;
4. The reduction of the Palestinian police to the agreed limit of 30,000. There must be both an official and popular cessation of all training of a military nature undertaken by members of the Palestinian police. The role of this force is solely to maintain internal security and public order; and
 5. A reaffirmation of its commitment to respect the religious beliefs, the worship practices and the holy sites of all persons, including the right to enjoy unimpeded access to their holy places.
348. For its part, Israel would be ready to make simultaneous and reciprocal statements and to take measures that would express its mutual commitment for peaceful settlement with the Palestinians. It would propose a series of confidence building measures, actions that would build the feeling of security and progress on all sides, including:
1. Upon the mutual statements regarding violence, Israel will take action to reposition forces to their positions prior to the recent events and to remove the internal closures of cities;
 2. By an agreed date, Israel will gradually increase, to levels prior to the events of recent weeks, the number of Palestinians permitted to enter Israel for the purpose of employment;
 3. An immediate creation and utilization of direct lines of communication (“hot lines”) between Palestinians and Israelis, both at the leadership and field commander levels; and
 4. A joint call to donor states, and international sponsors, to invest in economic projects aimed at providing employment opportunities, the improvement of the standard of living, and fostering stability in the Palestinian areas.
349. Within the context of these proposals, Israel believes that the committee can exert positive influence on Israeli Palestinian relations and facilitate the restoration of mutual trust and confidence vital for the continuation of the peace process.



PALESTINE LIBERATION ORGANIZATION, SECOND SUBMISSION TO THE MITCHELL COMMITTEE, RAMALLAH AND GAZA, 30 DECEMBER 2000 [EXCERPTS]

[The full report has five parts: introduction, roots of the current uprising, the current uprising (over half the report), recommendations, and conclusion. The following is excerpted from the introduction.]

Israel’s lawless conduct in the occupied Palestinian territories throughout the past thirty-three years of occupation is evident on at least two levels. The first is Israel’s deliberate disregard of international legal standards through the use of illegal military orders and the sanctioning of unlawful policies. The second involves the routine flouting by Israeli military personnel of even these unacceptable standards, from soldiers in the street to officials at the highest level. As a result, gross violations of human rights are a staple of daily life for the civilian residents of the occupied Palestinian territories.

No single policy provides more evidence of Israel’s illegal activities and no policy has had graver repercussions for the Palestinian population than Israel’s policy of importing Israeli Jewish citizens into the occupied Palestinian territories in violation of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (“the Fourth Geneva Convention”) and setting up armed settlements and settlers in the midst of and surrounding Palestinian population centers. These settlers have acted as an unofficial arm of the Israeli government and military, promoting the colonization of Palestinian territory and instigating acts of violence against Palestinian civilians with the intention of forcing them from their homes. These settlements are connected to each other and to Israel by Jewish only roads euphemistically called “bypass roads.” While Palestinian cities suffer from lack of adequate water and sanitation, many settlements exist as miniature Israeli suburbs complete with swimming pools and grass lawns. Whereas not one Israeli settler remains in prison for killing a Palestinian, thousands of Palestinians remain under detention or arrest for dubious charges without being provided internationally recognized standards of due process. This set of double standards has been condemned elsewhere in the world as a form of apartheid and has been condemned in the occupied Palestinian territories by almost every single nation in the world.

This situation of institutionalized oppression has remained unaltered, and in some respects has been accelerated, throughout the seven years following the signing of the Oslo accords. In effect, a powder keg has been created despite the ongoing peace talks that have continued almost uninterrupted since the Oslo accords. All that remained was for a spark to set off a crisis.

That spark was provided by Ariel Sharon, leader of the opposition Likud Party and one of the most controversial Israeli leaders, loathed by Arabs, and Palestinians in particular, for his repeated involvement in massacres of Arab civilians and for the ethnic cleansing of 160,000 Palestinians from Jerusalem in 1967. His visit to the Haram al Sharif on 28 September 2000, approved personally by Israeli Prime Minister Ehud Barak, and accompanied by at least 2,000 armed Israelis, infuriated Palestinians. [...]

This submission recommends a series of steps be taken to bring the current crisis to an end. First and foremost, Israel must recognize the applicability of the Fourth Geneva Convention to its occupation of Palestinian territories. Respect for the provisions of the convention will go a long way to not only ending the current crisis but also making sure that it is not repeated. As part of such respect for international law, Israel must also desist from its use of excessive force against the Palestinian civilian population. Outside of a few infamous examples, no other country in the world uses lethal military force against unarmed demonstrators. Crowd control techniques utilized by democracies around the world have succeeded in addressing demonstrations without violating the rights of the demonstrators.

Such respect for the rule of law also requires Israel to take active measures to protect Palestinians from settler violence including placing restrictions on the carrying and use of firearms by Israeli settlers. Israel must also end all forms of collective punishment against Palestinian civilians in violation of the Fourth Geneva Convention. Virtually all occupation armies have, at one time or another, fallen under the mistaken impression that attacking the general civilian population would end all acts of resistance to the occupation. History has shown the fallacy of such a position, and the illegality of such acts has been enshrined after World War II in the convention.

There must also be a freeze on settlement construction and expansion. Palestinian population centers have begun to resemble surrounded reservations cut off from one another by elaborate settlements and roads designated for Jews only. Rather than forcing Palestinians to flee to other countries, this constant encroachment has only promoted acts of resistance in the belief that the peace process has only bought time for Israel to expand its settlement policy.

Finally, Israel must start taking into account the damage it is doing to the Palestinian environment. The damage to the agriculture, soil fertility, and the underground water table will not be resolved for months or years to come. The damage to water distribution networks and solid waste management systems by Israeli military forces and settlers could well have grave health consequences if they are not immediately reversed.

These recommendations actually entail much of what was supposed to happen under the Oslo accords and the subsequent peace process. They are not new ideas, but unfortunately, they have never been implemented. This indicates that Israel is so far unwilling to abide by either international law or its agreements with the Palestinians. The lack of good faith exhibited by the continued expansion of settlements and the illegal use of violence suggests that Palestinians require an international monitoring and implementation force. A robust peacekeeping or protection force could not only succeed in defusing tensions but could also create the environment necessary to promote negotiations leading to a comprehensive peace agreement.

Ultimately, of course, the occupation of Palestinian territory must be brought to an end in line with the requirements of Security Council Resolutions 242 and 338. Once the Palestinian right to self-determination is recognized and respected, a Palestinian state and an Israeli state can establish normal state-to-state relations based on mutual respect and equality. Palestinians, like Israelis, desire normalcy, but this can only happen when the institutional oppression of Palestinians by Israelis comes to a complete end.



GULF COOPERATION COUNCIL, CLOSING STATEMENT, 21ST SESSION OF THE SUPREME COUNCIL, MANAMA, 30-31 DECEMBER 2000 [EXCERPTS]

In response to the gracious invitation by His Highness Sheikh Hamad bin Issa Al-Khalifa, Emir of the State of Bahrain, the Supreme Council of the Cooperation Council of the Arab States of the Gulf (GCC) held its 21st session in Manama, the State of Bahrain, on Saturday and Sunday, from 4th to 5th Shawwal 1421 AH corresponding to 30th –31st December 2000 AD, under the Chairmanship of His Highness Sheikh Hamad bin Issa Al-Khalifa, Emir of the State of Bahrain [...]

The Supreme Council delved into the gory events taking place in the Palestinian territories due to the savage aggression and repressive measures, and the policy of closure and blockade being pursued by Israel against the brotherly Palestinian people, who are demanding their legitimate rights, including the right to return, and establishment of an independent state with the Holy Jerusalem as its capital. While the expressing its denunciation and condemnation of these aggressions, the Supreme Council demands that protection be provided to the Palestinian people from these aggressions, underscoring its abiding stand on the realization of comprehensive and just peace in the region, a peace based on the international legal resolutions, in particular, the UNSC resolutions 242 and 338 and the principle of land for peace.

The Supreme Council also affirmed that comprehensive peace cannot be realized except by restoring all the legitimate rights of the Palestinians and by the establishment of an independent Palestinian state with Holy Jerusalem as its capital, and by the complete Israeli withdrawal from the occupied Syrian Golan Heights to the borderline existing on the 4th of June 1967, as well as completing the Israeli withdrawal from the Lebanese territories beyond the internationally recognized borders, including withdrawal from the Sheb'aa farms as per the provisions of the UNSC resolutions 425 and 426 and the release of all Lebanese prisoners in the Israeli jails.

The Supreme Council expressed its hope that the efforts which are presently being exerted would lead to a peace settlement that restores the legitimate rights of the Palestinian people, confirming its confidence in the Palestinian negotiator and appealing to the international community to exert more efforts to put pressure on Israel, asking it to show commitment to the values and principles laid down by the Madrid Conference. It also hoped that increased efforts of the international community would lead to the achievement of all legitimate rights of the Arabs. [...]



PLO NEGOTIATING TEAM, RESERVATIONS CONCERNING US PRESIDENT CLINTON'S 23 DECEMBER PROPOSALS FOR AN ISRAELI-PALESTINIAN PEACE AGREEMENT, RAMALLAH AND GAZA, 1 JANUARY 2001 [EXCERPTS]

We wish to explain why the latest United States proposals, taken together and as presented without clarification, fail to satisfy the conditions required for a permanent peace. As it stands now, the United States proposal would;

1. Divide a Palestinian state into three separate cantons connected and divided by Jewish only and Arab only roads and jeopardize the Palestinian state's viability;
2. Divide Palestinian Jerusalem into a number of unconnected islands separate from each other and from the rest of Palestine;
3. Force Palestinians to surrender the right of return of Palestinian refugees.

It also fails to provide workable security arrangements between Palestine and Israel and to address a number of other issues of importance to the Palestinian people. The United States proposal seems to respond to Israeli demands while neglecting the basic Palestinian need: a viable state.

The United States proposals were couched in general terms that in some instances lack clarity and detail. A permanent status agreement, in our view, is not merely a document that declares general

political principles. It is, rather, a comprehensive instrument that spells out the details, modalities, and timetables of ending the Palestinian-Israeli conflict. For such an agreement to be effective, it must be backed by clear, effective international implementation guarantees. We believe that a general, vague agreement at this advanced stage of the peace process will be counterproductive. This conviction has resulted from our past experiences with vague agreements and from Israel's history of noncompliance with signed agreements. The permanent status agreement must be a truly final agreement rather than an agreement to negotiate.

The United States side presented proposals regarding four primary issues: territory, Jerusalem, refugees, and security.

Territory of the Palestinian State

On the issue of territory, the United States proposed that Israel annex 4 to 6 percent of the West Bank; that the annexation be compensated through a "land swap" of 1 to 3 percent; and that the parties also consider a swap of leased land. The United States recommended that the final map be drawn in a manner that would place 80 percent of Israeli settlers in annexed settlement blocs but that would nevertheless promote territorial contiguity, minimize annexed areas, and minimize the number of Palestinians affected.

This proposal poses a number of serious problems. As the proposal is not accompanied by a map, and because the total area from which the percentages are calculated is not defined, it is difficult to imagine how the percentages presented can be reconciled with the goal of Palestinian contiguity. This is especially worrisome in light of the fact that the Israeli side continues to insist, and the United States has never questioned, that Jerusalem, as defined by Israel, the "no man's land," and the Dead Sea are *not* part of the total area from which the percentages are calculated. Moreover, the United States proposal calls for the "swap of leased land." It is not entirely clear if Palestinian interests are served by such a swap since the Palestinian side has no territorial needs in Israel, except for a corridor linking the West Bank and the Gaza Strip, which will be covered in a land swap. This proposal, taken together with the map presented by the Israeli side in the most recent round of negotiations in Washington (see attached map), provides Israel with control over large swaths of land, rendering the Palestinian state unviable and lacking direct access to international borders.

Without a map clarifying the above ambiguities, the United States proposal does nothing to foreclose a return by Israel to its proposals at Camp David which leaves 10 percent of the West Bank under Israeli sovereignty and an additional 10 percent under Israeli control pursuant to ill-defined security arrangements. It is important to bear in mind that *all* of the settlements in the West Bank currently occupy approximately 2 percent of the West Bank.

In this context, the Palestinian side rejects the use of "settlement blocs" as a guiding principle as recommended by the United States proposal. The use of this criterion subordinates Palestinian interests in the contiguity of their state and control over their natural resources to Israeli interests regarding the contiguity of settlements, recognized as illegal by the international community. It also contradicts the United States proposal's criteria concerning minimizing annexed areas and the number of Palestinians affected. In addition, the Palestinian side needs to know exactly which settlements Israel intends to annex.

Ultimately, it is impossible to agree to a proposal that punishes Palestinians while rewarding Israel's illegal settlement policies. A proposal involving annexation of 4 to 6 percent (not to mention 10 percent) of the land would inevitably damage vital Palestinian interests. Under such a proposal, a number of Palestinian villages will be annexed to Israel, adding to the already great number of displaced Palestinians.

Moreover, as the attached map demonstrates, a large quantity of unsettled land in key development areas such as Jerusalem and Bethlehem will also be annexed by Israel, destroying the territorial contiguity of the State of Palestine. In addition to compromising Palestinians' freedom of movement within their own state, this would also have serious ramifications for the state's development potential. In addition, any such large-scale annexation will inevitably prejudice Palestinian water rights.

As for the “land swap,” the United States proposal does not identify which areas within Israel are to compensate for the annexed land. The Palestinian side continues to insist that any annexed land must be compensated with land of equal size and value. No argument has been presented as to why this should not be the case. However, the United States proposal explicitly rejects the principle that compensation of land must be of equal size and remains silent on the issue of the location and quality of the compensated land. All previous Israeli and United States proposals concerning compensated land have referred to land near the Gaza Strip in exchange for valuable real estate in the West Bank. In addition to being desert areas, the lands being offered near the Gaza Strip are currently being used by Israel to dump toxic waste. Obviously, we cannot accept trading prime agricultural and development land for toxic waste dumps.

Jerusalem

On the issue of Jerusalem, President Clinton articulated a general principle that “Arab areas are Palestinian and Jewish areas are Israeli,” but urged the two sides to work on maps to create maximum contiguity for both. Two alternative formulations were presented addressing each state’s sovereignty over and rights to the Haram al-Sharif and the “Western Wall.” Both formulations provide for Palestinian sovereignty over the Haram and Israeli sovereignty over the Wall, restricting the parties from excavating beneath the Haram or behind the Wall.

The United States formulations on the Haram are problematic. First, the proposal appears to recognize Israeli sovereignty under the Haram by implying that it has a right, which it voluntarily relinquishes, to excavate behind the Western Wall (i.e., the area under the Haram). Moreover, the “Western Wall” extends to areas beyond the Wailing Wall, including the tunnel opened in 1996 by Israel’s former Prime Minister Benjamin Netanyahu, which caused widespread confrontations.

The territorial aspects of the United States proposals concerning Jerusalem also raise very serious concerns and call for further clarification. As the attached map shows, as a result of Israel’s internationally condemned settlement policy in occupied East Jerusalem, the United States formulation “that Arab areas are Palestinian and Jewish ones are Israeli” will be impossible to reconcile with the concept of “maximum contiguity for both,” presented in the proposal. Rather, the formulation will inevitably result in Palestinian islands within the city separated from one another. Israel, however, will be able to maintain contiguity. Therefore, the proposal actually calling for “maximum contiguity for both” translates in practice into “maximum contiguity for Israel.”

Israel’s continued demand for sovereignty over a number of geographically undefined “religious sites” in Jerusalem and its refusal to present maps clearly showing its territorial demands in Jerusalem only compounds the Palestinian concerns. Any formulation that will be acceptable by the Palestinian side must guarantee the contiguity of Palestinian areas within the city as well as the contiguity of Jerusalem with the rest of Palestine.

A key element of the Palestinian position on Jerusalem is its status as an open city with free access for all. This status is imperative not only to ensure access to and worship in all holy sites for all those who hold the city sacred, but also to guarantee free movement through the State of Palestine. Unfortunately, the United States proposal makes no reference to this essential concept.

Palestinian Refugees

On the issue of Palestinian refugees, driven from their homes as a result of the establishment of the State of Israel, the United States proposed that both sides recognize the right of Palestinian refugees to return either to “historic Palestine” or to “their homeland,” but added that the agreement should make clear that there is no specific right of return to what is now Israel. Instead, it proposed five possible final homes for the refugees: (1) the State of Palestine, (2) areas in Israel transferred to Palestine in the “land swap,” (3) rehabilitation in the host countries, (4) resettlement in third countries, (5) admission to Israel. All refugees would have the right to “return” to the State of Palestine; however, rehabilitation in host countries, resettlement in third countries, and admission to Israel all would depend on the policies of those individual countries.

The United States proposal reflects a wholesale adoption of the Israeli position that the implementation of the right of return be subject entirely to Israel's discretion. It is important to recall that Resolution 194, long regarded as the basis for a just settlement of the refugee problem, calls for the return of Palestinian refugees to "their homes," wherever located - not to their "homeland" or to "historic Palestine."

The essence of the right of return is choice: Palestinians should be given the option to choose where they wish to settle, including return to the homes from which they were driven. There is no historical precedent for a people abandoning their fundamental right to return to their homes whether they were forced to leave or fled in fear. We will not be the first people to do so. Recognition of the right of return and the provision of choice to refugees is a prerequisite for the closure of the conflict.

The Palestinians are prepared to think flexibly and creatively about the mechanisms for implementing the right of return. In many discussions with Israel, mechanisms for implementing this right in such a way so as to end the refugee status and refugee problem, as well as to otherwise accommodate Israeli concerns, have been identified and elaborated in some detail. The United States proposal fails to make reference to any of these advances and refers back to earlier Israeli negotiating positions. In addition, the United States proposal fails to provide any assurance that refugee' rights to restitution and compensation will be fulfilled.

Security

On the issue of security, the United States proposed that there be an international presence to guarantee the implementation of the agreement. The United States proposal suggests that the Israeli withdrawal should be carried out over a three-year period, with international forces phased in on a gradual basis. Then, at the end of this period, an Israeli military presence would be allowed to remain in the Jordan Valley for another three years under the authority of the international force.

The United States also proposed that Israel be permitted to maintain three early warning stations for at least ten years and that it be given the right to deploy its forces in Palestinian territory during "a national state of emergency." In addition, the United States has suggested that Palestine be defined as a "non-militarized state," and, while acknowledging Palestinian sovereignty over its own airspace, it has proposed that the two sides develop special arrangements for Israeli training and operational needs.

Although the United States proposals place less burdens on Palestinian sovereignty than earlier Israeli proposals, they nevertheless raise a number of concerns. There is no reason why Israel would require three years to withdraw from the West Bank and Gaza Strip. In view of the fact that Israel resettled more than one million immigrants from the former Soviet Union in a few years, one year is more than enough time to resettle less than 60,000 Israeli settlers. It is moreover unclear from the United States proposal that the withdrawal period relates to both soldiers and settlers, both of whom are considered part of the occupation forces in the Palestinian territories. A protracted withdrawal process could jeopardize the peaceful implementation of the agreement and would create a continued source of friction.

There are other Palestinian concerns. Israel has yet to make a persuasive case regarding why it would require either a standing force in the Jordan Valley or emergency deployment rights - much less both. This is especially the case given that international forces will be present in these areas. Further more, Israel requires no more than one early warning station in the West Bank to satisfy its strategic needs. The maintenance of stations at current locations near Ramallah and Nablus and in East Jerusalem will seriously inhibit Palestinian development. Moreover, the United States proposal would give Israel sole discretion for determining how long these stations will be operational.

The United States proposal's suggestion that special arrangements be made for Israeli training and operational needs in Palestinian airspace is also extremely problematic. Without specific clarification, this might be used to defend a right for Israel to use Palestinian airspace for military training exercises with all the accompanying dangers to the Palestinian civilian population and the environment while sparing Israeli citizens from any similar infringement. Palestinians remain committed to working out

regional agreements concerning aviation in line with commonly accepted international regulations. Any arrangement to the contrary would infringe on Palestinian sovereignty and harm relations with neighboring countries.

Other Issues

The United States proposal remains silent on a number of issues that are essential for the establishment of a lasting and comprehensive peace. By focusing solely on the four issues above, the United States proposal not only neglects matters relating to ending the conflict, but also disregards ways to ensure that the future relations between the two peoples will be mutually beneficial. Specifically, the proposal does not address water, compensation for damages resulting from over thirty years of occupation, the environment, future economic relations, and other state-to-state issues.

End of Conflict

While we are totally committed to ending the Palestinian Israeli conflict, we believe that this can only be achieved once the issues that have caused and perpetrated the conflict are resolved in full. This in turn can only be achieved by a comprehensive agreement that provides detailed modalities for the resolution of the issues at the core of the conflict. It must be remembered that in reaching a settlement between Israel and, respectively, Egypt and Jordan, the end of conflict came only after the final, detailed peace treaty.

Even putting aside the requirements of international law and justice, the United States proposals - unless clarified to take into account the above concerns - do not even allow for a pragmatic resolution of the conflict. If no such solutions are reached in practice, we believe that any formalistic pronouncement of the end of conflict would be meaningless.

Conclusion

We would like, once again, to emphasize that we remain committed to a peaceful resolution of the Palestinian Israeli conflict in accordance with UN Security Council Resolutions 242 and 338 and international law. In view of the tremendous human cost caused by each delay in negotiations, we recognize the need to resolve this conflict as soon as possible. We cannot, however, accept a proposal that secures neither the establishment of a viable Palestinian state nor the right of Palestinian refugees to return to their homes.



US PRESIDENT BILL CLINTON, REMARKS AT AN ISRAEL POLICY FORUM DINNER, NEW YORK CITY, 7 JANUARY 2001 [EXCERPTS]

[...] I'd also like to say how much I appreciated and was moved by the words of Prime Minister Barak. He was dealt the hard hand by history. And he came to office with absolute conviction that in the end, Israel could not be secure unless a just and lasting peace could be reached with its neighbors, beginning with the Palestinians; that if that turned out not to be possible, then the next best thing was to be as strong as possible and as effective in the use of that strength. But his knowledge of war has fed a passion for peace. And his understanding of the changing technology of war has made him more passionate, not because he thinks the existence of Israel is less secure - if anything, it's more secure - but because the sophisticated weapons available to terrorists today mean even though they still lose, they can exact a higher price along the way.

I've been in enough political fights in my life to know that sometimes you just have to do the right thing, and it may work out, and it may not. Most people thought I had lost my mind when we passed the economic plan to get rid of the deficit in 1993. And no one in the other party voted for it, and they just talked about how it would bring the world to an end and America's economy would be a disaster.

I think the only Republican who thought it would work was Alan Greenspan. [Laughter] He was relieved of the burden of having to say anything about it.

But no dilemma I have ever faced approximates in difficulty or comes close to the choice that Prime Minister Barak had to make when he took office. He realized that he couldn't know for sure what the final intentions of the Palestinian leadership were without testing them. He further realized that even if the intentions were there, there was a lot of competition among the Palestinians and from outside forces, from people who are enemies of peace because they don't give a rip how the ordinary Palestinians have to live and they're pursuing a whole different agenda.

He knew nine things could go wrong and only one thing could go right. But he promised himself that he would have to try. And as long as he knew Israel in the end could defend itself and maintain its security, he would keep taking risks. And that's what he's done, down to these days. There may be those who disagree with him, but he has demonstrated as much bravery in the office of Prime Minister as he ever did on the field of battle, and no one should ever question that.

Now, I imagine this has been a tough time for those of you who have been supporting the IPF out of conviction for a long time. All the dreams we had in '93 that were revived when we had the peace with Jordan, revived again when we had the Wye River accords - that was, I think, the most interesting peace talk I was ever involved in. My strategy was the same used to break prisoners of war: I just didn't let anybody sleep for 9 days, and finally, out of exhaustion, we made a deal - just so people could go home and go to bed. [Laughter] I've been looking for an opportunity to employ it again, ever since.

There have been a lot of positive things, and I think it's worth remembering that there have been positive developments along the way. But this is heartbreaking, what we've been through these last few months, for all of you who have believed for 8 years in the Oslo process, all of you whose hearts soared on September 13, 1993, when Yasser Arafat and Yitzhak Rabin signed that agreement.

For over 3 months, we have lived through a tragic cycle of violence that has cost hundreds of lives. It has shattered the confidence in the peace process. It has raised questions in some people's minds about whether Palestinians and Israelis could ever really live and work together, support each other's peace and prosperity and security. It's been a heartbreaking time for me, too. But we have done our best to work with the parties to restore calm, to end the bloodshed, and to get back to working on an agreement to address the underlying causes that continuously erupt in conflicts.

Whatever happens in the next 2 weeks I've got to serve, I think it's appropriate for me tonight, before a group of Americans and friends from the Middle East who believe profoundly in the peace process and have put their time and heart and money where their words are, to reflect on the lessons I believe we've all learned over the last 8 years and how we can achieve the long sought peace.

From my first day as President, we have worked to advance interests in the Middle East that are long standing and historically bipartisan. I was glad to hear of Senator Hagel's recitation of President-elect Bush's commitment to peace in the Middle East. Those historic commitments include an ironclad commitment to Israel's security and a just, comprehensive, and lasting agreement between the Palestinians and the Israelis.

Along the way, since '93, through the positive agreements that have been reached between those two sides, through the peace between Israel and Jordan, through last summer's withdrawal from Lebanon in which Israel fulfilled its part of implementing U.N. Security Council Resolution 425 - along this way we have learned some important lessons, not only because of the benchmarks of progress, because of the occasional eruption of terrorism, bombing, death, and then these months of conflict.

I think these lessons have to guide any effort, now or in the future, to reach a comprehensive peace. Here's what I think they are. Most of you probably believed in them, up to the last 3 months. I still do.

First, the Arab-Israeli conflict is not just a morality play between good and evil; it is a conflict with a complex history, whose resolution requires balancing the needs of both sides, including respect for their national identities and religious beliefs.

Second, there is no place for violence and no military solution to this conflict. The only path to a just and durable resolution is through negotiation.

Third, there will be no lasting peace or regional stability without a strong and secure Israel, secure enough to make peace, strong enough to deter the adversaries which will still be there, even if a peace is made in complete good faith. And clearly that is why the United States must maintain its commitment to preserving Israel's qualitative edge in military superiority.

Fourth, talks must be accompanied by acts - acts which show trust and partnership. For good will at the negotiating table cannot survive forever ill intent on the ground. And it is important that each side understands how the other reads actions. For example, on the one hand, the tolerance of violence and incitement of hatred in classrooms and the media in the Palestinian communities, or on the other hand, humiliating treatment on the streets or at checkpoints by Israelis, are real obstacles to even getting people to talk about building a genuine peace.

Fifth, in the resolution of remaining differences, whether they come today or after several years of heart-break and bloodshed, the fundamental, painful, but necessary choices will almost certainly remain the same whenever the decision is made. The parties will face the same history, the same geography, the same neighbors, the same passions, the same hatreds. This is not a problem time will take care of.

And I would just like to go off the script here, because a lot of you have more personal contacts than I do with people that will be dealing with this for a long time to come, whatever happens in the next 2 weeks.

Among the really profound and difficult problems of the world that I have dealt with, I find that they tend to fall into two categories. And if I could use sort of a medical analogy, some are like old wounds with scabs on them, and some are like abscessed teeth.

What do I mean by that? Old wounds with scabs eventually will heal if you just leave them alone. And if you fool with them too much, you might open the scab and make them worse. Abscessed teeth, however, will only get worse if you leave them alone, and if you wait and wait and wait, they'll just infect the whole rest of your mouth.

Northern Ireland, I believe, is becoming more like the scab. There are very difficult things. If you followed my trip over there, you know I was trying to help them resolve some of their outstanding problems, and we didn't get it all done. But what I really wanted to do was to remind people of the benefits of peace and to keep everybody in a good frame of mind and going on so that all the politicians know that if they really let the wheel run off over there, the people will throw them out on their ears.

Now, why is that? Because the Irish Republic is now the fastest growing economy in Europe, and Northern Ireland is the fastest growing economy within the United Kingdom. So the people are benefiting from peace, and they can live with the fact that they can't quite figure out what to do about the police force and the reconciliation of the various interests and passions of the Protestants and Catholics, and the other three or four things, because the underlying reality has changed their lives. So even though I wish I could solve it all, eventually it will heal, if it just keeps going in the same direction.

The Middle East is not like that. Why? Because there are all these independent actors - that is, independent of the Palestinian Authority and not under the direct control of any international legal body - who don't want this peace to work. So that even if we can get an agreement and the Palestinian Authority works as hard as they can and the Israelis work as hard as they can, we're all going to have to pitch in, send in an international force like we did in the Sinai, and hang tough, because there are enemies of peace out there, number one.

Number two, because the enemies of peace know they can drive the Israelis to close the borders if they can blow up enough bombs. They do it periodically to make sure that the Palestinians in the street cannot enjoy the benefits of peace that have come to the people in Northern Ireland. So as long as they can keep the people miserable and they can keep the fundamental decisions from being made, they still have a hope, the enemies of peace, of derailing the whole thing. That's why it's more like an abscessed tooth.

The fundamental realities are not going to be changed by delays. And that's why I said what I did about Ehud Barak. I know that - I don't think it's appropriate for the United States to deal with anybody else's politics, but I know why - you can't expect poll ratings to be very good when the voters in the moment wonder if they're going to get peace or security and think they can no longer have both and may have to choose one. I understand that.

But I'm telling you, the reason he has continued to push ahead on this is that he has figured out, this is one of those political problems that is like the abscessed tooth. The realities are not going to change. We can wait until all these handsome young people at this table are the same age as the honorees tonight, and me. We can wait until they've got kids their age and we've got a whole lot more bodies and a lot more funerals, a lot more crying and a lot more hatred, and I'll swear the decisions will still be the same ones that will have to be made that have to be made today.

That's the fundamental deal here. And this is a speech I have given, I might add, to all my Israeli friends who question what we have done, and to the Palestinians, and in private - God forgive me, my language is sometimes somewhat more graphic than it has been tonight. But anybody that ever kneeled at the grave of a person who died in the Middle East knows that what we've been through these last 3 months is not what Yitzhak Rabin died for and not what I went to Gaza 2 years ago to speak to the Palestinian National Council for either, for that matter.

So those are the lessons I think are still operative, and I'm a little concerned that we could draw the wrong lessons from this tragic, still relatively brief, chapter in the history of the Middle East. The violence does not demonstrate that the quest for peace has gone too far or too fast. It demonstrates what happens when you've got a problem that is profoundly difficult and you never quite get to the end, so there is no settlement, no resolution, anxiety prevailed, and at least some people never get any concrete benefits out of it.

And I believe that the last few months demonstrate the futility of force or terrorism as an ultimate solution. That's what I believe. I think the last few months show that unilateralism will exacerbate, not abate, mutual hostility. I believe that the violence confirms the need to do more to prepare both publics for the requirements of peace, not to condition people for the so-called glory of further conflict.

Now, what are we going to do now? The first priority, obviously, has got to be to drastically reduce the current cycle of violence. But beyond that, on the Palestinian side, there must be an end to the culture of violence and the culture of incitement that, since Oslo, has not gone unchecked. Young children still are being educated to believe in confrontation with Israel, and multiple militia-like groups carry and use weapons with impunity. Voices of reason in that kind of environment will be drowned out too often by voices of revenge.

Such conduct is inconsistent with the Palestinian leadership's commitment to Oslo's nonviolent path to peace, and its persistence sends the wrong message to the Israeli people and makes it much more difficult for them to support their leaders in making the compromises necessary to get a lasting agreement.

For their part, the Israeli people also must understand that they're creating a few problems, too; that the settlement enterprise and building bypass roads in the heart of what they already know will one day be part of a Palestinian state is inconsistent with the Oslo commitment that both sides negotiate a compromise.

And restoring confidence requires the Palestinians being able to lead a normal existence and not be subject to daily, often humiliating reminders that they lack basic freedom and control over their lives.

These, too, make it harder for the Palestinians to believe the commitments made to them will be kept. Can two peoples with this kind of present trouble and troubling history still conclude a genuine and lasting peace? I mean, if I gave you this as a soap opera, you would say they're going to divorce court. But they can't, because they share such a small piece of land with such a profound history of importance to more than a billion people around the world. So I believe with all my heart not only that they can, but that they must.

At Camp David I saw Israeli and Palestinian negotiators who knew how many children each other had, who knew how many grandchildren each other had, who knew how they met their spouses, who knew what their family tragedies were, who trusted each other in their word. It was almost shocking to see what could happen and how people still felt on the ground when I saw how their leaders felt about each other and the respect and the confidence they had in each other when they were talking.

The alternative to getting this peace done is being played out before our very eyes. But amidst the agony, I will say again, there are signs of hope. And let me try to put this into what I think is a realistic context. Camp David was a transformative event, because the two sides faced the core issue of their dispute in a forum that was official for the first time. And they had to debate the tradeoffs required to resolve the issues. Just as Oslo forced Israelis and Palestinians to come to terms with each other's existence, the discussions of the past 6 months have forced them to come to terms with each other's needs and the contours of a peace that ultimately they will have to reach.

That's why Prime Minister Barak, I think, has demonstrated real courage and vision in moving toward peace in difficult circumstances while trying to find a way to continue to protect Israel's security and vital interests. So that's a fancy way of saying, we know what we have to do and we've got a mess on our hands.

So where do we go from here? Given the impasse and the tragic deterioration on the ground a couple of weeks ago, both sides asked me to present my ideas. So I put forward parameters that I wanted to be guide toward a comprehensive agreement; parameters based on 8 years of listening carefully to both sides and hearing them describe with increasing clarity their respective grievances and needs.

Both Prime Minister Barak and Chairman Arafat have now accepted these parameters as the basis for further efforts, though both have expressed some reservations. At their request, I am using my remaining time in office to narrow the differences between the parties to the greatest degree possible - [applause] - for which I deserve no applause. Believe me, it beats packing up all my old books. [Laughter]

The parameters I put forward contemplate a settlement in response to each side's essential needs, if not to their utmost desires. A settlement based on sovereign homelands, security, peace and dignity for both Israelis and Palestinians. These parameters don't begin to answer every question; they just narrow the questions that have to be answered.

Here they are. First, I think there can be no genuine resolution to the conflict without a sovereign, viable, Palestinian state that accommodates Israeli's security requirements and the demographic realities. That suggests Palestinian sovereignty over Gaza, the vast majority of the West Bank, the incorporation into Israel of settlement blocks, with the goal of maximizing the number of settlers in Israel while minimizing the land annex for Palestine to be viable must be a geographically contiguous state.

Now, the land annexed into Israel into settlement blocks should include as few Palestinians as possible, consistent with the logic of two separate homelands. And to make the agreement durable, I think there will have to be some territorial swaps and other arrangements.

Second, a solution will have to be found for the Palestinian refugees who have suffered a great deal - particularly some of them - a solution that allows them to return to a Palestinian state that will provide all Palestinians with a place they can safely and proudly call home. All Palestinian refugees who wish to live in this homeland should have the right to do so. All others who want to find new homes,

whether in their current locations or in third countries, should be able to do so, consistent with those countries' sovereign decisions, and that includes Israel.

All refugees should receive compensation from the international community for their losses and assistance in building new lives.

Now, you all know what the rub is. That was a lot of artful language for saying that you cannot expect Israel to acknowledge an unlimited right of return to present day Israel and, at the same time, to give up Gaza and the West Bank and have the settlement blocks as compact as possible, because of where a lot of these refugees came from. We cannot expect Israel to make a decision that would threaten the very foundations of the state of Israel and would undermine the whole logic of peace. And it shouldn't be done.

But I have made it very clear that the refugees will be a high priority, and that the United States will take a lead in raising the money necessary to relocate them in the most appropriate manner. If the Government of Israel or a subsequent Government of Israel ever - will be in charge of their immigration policy, just as we and the Canadians and the Europeans and others who would offer Palestinians a home would be, they would be obviously free to do that, and I think they've indicated that they would do that, to some extent. But there cannot be an unlimited language in an agreement that would undermine the very foundations of the Israeli state or the whole reason for creating the Palestinian state. So that's what we're working on.

Third, there will be no peace and no peace agreement unless the Israeli people have lasting security guarantees. These need not and should not come at the expense of Palestinian sovereignty, or interfere with Palestinian territorial integrity. So my parameters rely on an international presence in Palestine to provide border security along the Jordan Valley and to monitor implementation of the final agreement. They rely on a non-militarized Palestine, a phased Israeli withdrawal to address Israeli security needs in the Jordan Valley, and other essential arrangements to ensure Israel's ability to defend itself.

Fourth, I come to the issue of Jerusalem, perhaps the most emotional and sensitive of all. It is a historic, cultural, and political center for both Israelis and Palestinians, a unique city sacred to all three monotheistic religions. And I believe the parameters I have established flow from four fair and logical propositions.

First, Jerusalem should be an open and undivided city with assured freedom of access and worship for all. It should encompass the internationally recognized capitals of two states, Israel and Palestine. Second, what is Arab should be Palestinian, for why would Israel want to govern in perpetuity the lives of hundreds of thousands of Palestinians? Third, what is Jewish should be Israeli. That would give rise to a Jewish Jerusalem, larger and more vibrant than any in history. Fourth, what is holy to both requires a special care to meet the needs of all. I was glad to hear what the Speaker said about that. No peace agreement will last if not premised on mutual respect for the religious beliefs and holy shrines of Jews, Muslims, and Christians.

I have offered formulations on the Haram al-Sharif, and the area holy to the Jewish people, an area which for 2,000 years, as I said at Camp David, has been the focus of Jewish yearning, that I believed fairly addressed the concerns of both sides.

Fifth and, finally, any agreement will have to mark the decision to end the conflict, for neither side can afford to make these painful compromises, only to be subjected to further demands. They are both entitled to know that if they take the last drop of blood out of each other's turnip, that's it. It really will have to be the end of the struggle that has pitted Palestinians and Israelis against one another for too long. And the end of the conflict must manifest itself with concrete acts that demonstrate a new attitude and a new approach by Palestinians and Israelis toward each other, and by other states in the region toward Israel, and by the entire region toward Palestine, to help it get off to a good start.

The parties' experience with interim accords has not always been happy - too many deadlines missed, too many commitments unfulfilled on both sides. So for this to signify a real end of the conflict, there must be effective mechanisms to provide guarantees of implementation. That's a lot of stuff, isn't it? It's what I think is the outline of a fair agreement.

Let me say this. I am well aware that it will entail real pain and sacrifices for both sides. I am well aware that I don't even have to run for reelection in the United States on the basis of these ideas. I have worked for 8 years without laying such ideas down. I did it only when both sides asked me to and when it was obvious that we had come to the end of the road, and somebody had to do something to break out of the impasse.

Now, I still think the benefits of the agreement, based on these parameters, far outweigh the burdens. For the people of Israel, they are an end to conflict, secure and defensible borders, the incorporation of most of the settlers into Israel, and the Jewish capital of Yerushalayim, recognized by all, not just the United States, by everybody in the world. It's a big deal, and it needs to be done.

For the Palestinian people, it means the freedom to determine their own future on their own land, a new life for the refugees, an independent and sovereign state with Al-Quds as its capital, recognized by all. And for America, it means that we could have new flags flying over new Embassies in both these capitals.

Now that the sides have accepted the parameters with reservations, what's going to happen? Well, each side will try to do a little better than I did. [Laughter] You know, that's just natural. But a peace viewed as imposed by one party upon the other, that puts one side up and the other down, rather than both ahead, contains the seeds of its own destruction.

Let me say those who believe that my ideas can be altered to one party's exclusive benefit are mistaken. I think to press for more will produce less. There can be no peace without compromise. Now, I don't ask Israelis or Palestinians to agree with everything I said. If they can come up with a completely different agreement, it would suit me just fine. But I doubt it.

I have said what I have out of a profound lifetime commitment to and love for the state of Israel; out of a conviction that the Palestinian people have been ignored or used as political footballs by others for long enough, and they ought to have a chance to make their own life with dignity; and out of a belief that in the homeland of the world's three great religions that believe we are all the creatures of one God, we ought to be able to prove that one person's win is not, by definition, another's loss; that one person's dignity is not, by definition, another's humiliation; that one person's worship of God is not, by definition, another's heresy.

There has to be a way for us to find a truth we can share. There has to be a way for us to reach those young Palestinian kids who, unlike the young people in this audience, don't imagine a future in which they would ever put on clothes like this and sit at a dinner like this. There has to be a way for us to say to them, struggle and pain and destruction and self-destruction are way overrated and not the only option. There has to be a way for us to reach those people in Israel who have paid such a high price and believe, frankly, that people who embrace the ideas I just outlined are nuts, because Israel is a little country and this agreement would make it smaller; to understand that the world in which we live and the technology of modern weaponry no longer make defense primarily a matter of geography and of politics; and the human feeling and the interdependence and the cooperation and the shared values and the shared interests are more important and worth the considered risk, especially if the United States remains committed to the military capacity of the state of Israel.

So I say to the Palestinians: There will always be those who are sitting outside in the peanut gallery of the Middle East, urging you to hold out for more or to plant one more bomb. But all the people who do that, they're not the refugees languishing in those camps; you are. They're not the ones with chil-

dren growing up in poverty whose income is lower today than it was the day we had the signing on the White House Lawn in 1993; you are.

All the people that are saying to the Palestinian people: Stay on the path of no, are people that have a vested interest in the failure of the peace process that has nothing to do with how those kids in Gaza and the West Bank are going to grow up and live and raise their own children.

To the citizens of Israel who have returned to an ancient homeland after 2,000 years, whose hopes and dreams almost vanished in the Holocaust, who have hardly had one day of peace and quiet since the state of Israel was created, I understand, I believe, something of the disillusionment, the anger, the frustration that so many feel when, just at the moment peace seemed within reach, all this violence broke out and raised the question of whether it is ever possible.

The fact is that the people of Israel dreamed of a homeland. The dream came through, but when they came home, the land was not all vacant. Your land is also their land. It is the homeland of two people. And therefore, there is no choice but to create two states and make the best of it.

If it happens today, it will be better than if it happens tomorrow, because fewer people will die. And after it happens, the motives of those who continue the violence will be clearer to all than they are today. Today, Israel is closer than ever to ending a 100-year-long era of struggle. It could be Israel's finest hour. And I hope and pray that the people of Israel will not give up the hope of peace.

Now, I've got 13 days, and I'll do what I can. We're working with Egypt and the parties to try to end the violence. I'm sending Dennis Ross to the region this week. I met with both sides this week. I hope we can really do something. And I appreciate, more than I can say, the kind, personal things that you said about me.

But here's what I want you to think about. New York has its own high-tech corridor called Silicon Alley. The number one foreign recipient of venture capital from Silicon Alley is Israel. Palestinians who have come to the United States, to Chile, to Canada, to Europe, have done fabulously well in business, in the sciences, in academia.

If we could ever let a lot of this stuff go and realize that a lot of - that the enemies of peace in the Middle East are overlooking not only what the Jewish people have done beyond Israel but what has happened to the state of Israel since its birth, and how fabulously well the people of Palestinian descent have done everywhere else in the world except in their homeland, where they are in the grip of forces that have not permitted them to reconcile with one another and with the people of Israel. Listen, if you guys ever got together, 10 years from now we would all wonder what the heck happened for 30 years before.

And the center of energy and creativity and economic power and political influence in the entire region would be with the Israelis and the Palestinians because of their gifts. It could happen. But somebody has got to take the long leap, and they have to be somebodies on both sides.

All I can tell you is, whether you do it now or whether you do it later, whether I'm the President or just somebody in the peanut gallery, I'll be there, cheering and praying and working along the way. And I think America will be there. I think America will always be there for Israel's security. But Israel's lasting security rests in a just and lasting peace. I pray that the day will come sooner, rather than later, where all the people of the region will see that they can share the wisdom of God in their common humanity and give up their conflict.

Thank you and God bless you.



PLO NEGOTIATING AFFAIRS DEPARTMENT, ASSESSMENT OF THE CLINTON ADMINISTRATION'S INVOLVEMENT IN THE PALESTINIAN-ISRAELI PEACE PROCESS, RAMALLAH AND GAZA, 22 JANUARY 2001

No third party has been as involved and influential in the Palestinian-Israeli peace process over the last seven years as the United States and, in particular, its special Middle East coordinator, Dennis Ross. In view of the United States' inability to facilitate the realization by Palestinians and Israelis of a just and lasting peace in accordance with Security Council Resolutions 242 and 338 and other sources of international law, it seems prudent, at the close of the Clinton administration, to assess U.S. involvement and to identify some of the reasons the United States' involvement has not yielded better results.

Process over Substance

Under U.S. supervision, the Palestinian-Israeli "peace process" has become a goal in and of itself. A false sense of normalcy has been created because of the on-going process of negotiations. The lack of visible resistance to Israeli occupation from the Palestinian side, except for temporary flare-ups, and Israel's ability to continue negotiations while continuing to build settlements in occupied Palestinian territory has created the false impression that the "process" of achieving peace could substitute for peace itself. Thus, the difficult substantial issues at the core of the conflict, including acceptance that Israel's occupation of Arab territory it conquered in the 1967 Israeli-Arab war is illegal, have been constantly deflected in order to maintain talks without requiring Israel to face up to its obligations.

In fact, the United States advocacy of "constructive ambiguity" has had disastrous consequences for the peace process. Both parties to the conflict have mistakenly assumed at different times that either the Israelis had accepted to end the occupation or that the Palestinians had agreed to forego some of their fundamental rights as a result of vaguely worded agreements. Whereas such ambiguity made it possible for both sides to sign agreements that they could interpret in diametrically opposed manners to their domestic constituencies, the facts on the ground of implementing opposing interpretations have led to very little implementation at all.

This lack of implementation, combined with the ever-increasing number of Palestinian-Israeli agreements brokered by the United States, has caused Palestinians to become increasingly wary of U.S. involvement in a process that has brought some normalcy to Israel but none to Palestinians. The resulting lack of faith in the peace process and the consequent distrust of U.S. promotion of process over substance has made securing a just peace all that more difficult.

Normalization Before an End to the Occupation of Arab Lands

U.S. policy over the last seven years appears predicated on the need to help Israel normalize its relations with the Arab and Muslim world at large, as well as with many other nations around the world sympathetic to the plight of Palestinians dispossessed by Israeli conquest. The peace process was used as an excuse to encourage states that had foregone normal relations with Israel to begin the process of normalization, with the argument that peace was just around the corner.

Had the United States promoted the implementation of already signed agreements between Israelis and Palestinians with the same zeal with which it promoted new Israeli arrangements with Arab and other states, it may have succeeded in actually promoting normalization.

Unfortunately, the U.S. emphasis on process over substance has led the domestic constituencies of many governments in the region to conclude that the peace process was only a mirage designed to trick their governments into prematurely establishing economic ties that would help Israel break out of its regional isolation. This has had the added repercussion of promoting not only anti-Israeli sentiment in countries that have established economic ties with Israel, but has also promoted anti-American sentiment in all countries of the region, as demonstrated by the grass-roots popular boycott of American products in many states.

U.S. negotiators in recent years never appeared to recognize that normalcy was a state that existed between two free and equal peoples. As long as the occupation of Arab lands, including the Palestinian territories, continues, there can never be true normalization between Israel and its neighbors.

Adoption of Israeli Perspective v. Acting as an Honest Broker

The two bases for U.S. involvement in the Palestinian-Israeli peace process have been (1) the physical fact that the United States is the primary power in the Middle East and (2) that the United States has promoted itself to the parties in the region as an honest broker wishing to promote Israel's security as well as Palestinian national aspirations.

Unfortunately, over the last seven years in particular, the United States has become increasingly identified with Israeli ideological assumptions. Dennis Ross, for example, and some other members of his negotiating team, have acknowledged having an emotional commitment to Israel and have said they cannot distinguish between their personal and professional involvement with it. This has had a number of legal ramifications that have affected the peace process negatively:

1. The United States began the peace process based on the goal of implementing UN Security Council Resolutions 242 and 338. These resolutions, as repeatedly interpreted by the international community, simply mean that Israel must withdraw from the Arab territories it occupied in 1967 if it wants to have peaceful relations with its neighbors. After seven years of negotiations, the U.S. negotiating team now effectively advocates the position that the West Bank and Gaza are Israeli territories, or at best disputed territories, for which the Palestinians must bargain. Settlements, for example, opposed by Presidents Carter, Reagan, and Bush, have been tacitly endorsed by recent U.S. policy in the region.
2. Palestinian concessions to Israel have been made up front, as demanded by Israel and the United States, for talks to take place between the two sides. However, those concessions were always viewed by Israel as the starting point for negotiating further concessions. This view appears to have been adopted by the United States of late. U.S. negotiators have implicitly blamed the Palestinians for not making the same extent of "concessions" that Israel was offering. Thus, whereas Palestinians gave up their rights to all but 22 percent of historic Palestine as early as 1988, they are chastised by the U.S. negotiators for wanting all of the Occupied Territories whereas Israelis have been lauded for offering to dismantle only 20 percent of illegal settlements. Israel's desire to continue occupying significant areas of Palestinian territory is seen as a reasonable need by the U.S. negotiating position - morally and legally equating the illegal settlement of Palestinian territory with the Palestinian right to reclaim that same territory.
3. U.S. negotiators have accepted the Israeli worldview concerning the primacy of Israel's security needs while ignoring the long-term development of the occupied Palestinian territories and the improvement of the Palestinian quality of life. The result has been that while Israel's security, including the security of its occupation forces, have been the focus of each agreement, the quality of life of Palestinians has continued to decline. The dichotomy between the comfort of Israelis, including those occupying Palestinian land in settlements with green lawns and swimming pools, and the poverty and misery of Palestinians, has only further inflamed an already volatile situation. Public support for one side over the other can also have negative unintended consequences. U.S. negotiators' public criticism of the Palestinian side at last summer's Camp David talks were intended to provide domestic political support for the Israeli prime minister. Instead, it allowed right-wing extremists in Israel opposed to peace all together to challenge the Israeli prime minister for having offered "too many" concessions. U.S. inability to see past Israel's own narrow perceptions of the conflict have further delayed concluding a just and lasting peace.

U.S./Israeli Domestic Political Concerns Overrode the Goal of a Lasting Peace

Palestinians obviously have every interest in concluding a comprehensive, just and lasting peace with Israelis as soon as possible. The original Oslo accords had mandated that the peace talks be concluded three years ago with a Palestinian state and an Israeli state living in freedom, security, and equality

side by side. Yet, as Israel attempted to colonize as much of the West Bank and Gaza as possible before beginning final status talks, the Palestinians were compelled to focus on interim issues in negotiations, rather than addressing the key permanent status issues. Once mandated by domestic political considerations in Israel and the United States, Palestinians have been placed under tremendous, and sometimes unconscionable, pressure to sign weak and vague agreements that could be used by political leaders to show progress to their constituencies. Rather than place a matter of such great existential importance to both Palestinians and Israelis above the fray of domestic politics, the timetable for reaching agreements has been based on immediate domestic concerns even when the necessary background work on substantive issues has not been done.

A comprehensive peace agreement between Palestinians and Israelis must not only be considered a valuable photo opportunity, but a matter of great strategic importance for all the states of the region as well as for those states that believe they have interests in the Middle East. It has been obvious, especially over the course of the last year, that the importance of a just and lasting peace has been overshadowed by the need for yet another temporary or interim agreement that would provide only short-term political gain to some of those involved - at the risk of creating tremendous problems for the long-term stability of the area.



**PALESTINIAN PROPOSAL ON PALESTINIAN REFUGEES AND
ISRAELI PRIVATE RESPONSE, TABA, 22 AND 23 JANUARY 2001**

*[Texts of the draft proposals presented at the Taba talks by each side for a durable solution to the
Palestinian refugee problem.]*

PALESTINIAN PROPOSAL ON PALESTINIAN REFUGEES, 22 JANUARY 2001

ARTICLE XX: REFUGEES

The Significance of Resolving the Resolving Problem

1. The Parties recognize that a just resolution of the refugee problem is necessary for achieving a just, comprehensive and lasting peace.

Moral Responsibility

2. Israel recognizes its moral and legal responsibility for the forced displacement and dispossession of the Palestinian civilian population during the 1948 war and for preventing the refugees from returning to their homes in accordance with United Nations General Assembly Resolution 194.
3. Israel shall bear responsibility for the resolution of the refugee problem.

The Basis for a Settlement of the Refugee Problem

4. A just settlement of the refugee problem, in accordance with United Nations Security Council Resolution 242, must lead to the implementation of United Nations General Assembly Resolution 194.

Right of Return

5. a. In accordance with United Nations General Assembly Resolution 194 (III), all refugees who wish to return to their homes in Israel and live at peace with their neighbors have the right to do so. The right of every refugee to return shall be exercised in accordance with the modalities set out in the Agreement.
6. a. A Palestinian refugee is any Palestinian who was prevented from returning to his or her home after November 29, 1947.
b. Without limiting the generality of the term "refugee", a "refugee" in this Agreement shall include a refugee's descendants and spouse.
c. Without limiting the generality of the term "refugee", all registered persons with UNRWA shall be considered refugees in accordance with this Article.

Repatriation Commission

7. A Repatriation Commission shall be established in order to guarantee and manage the implementation of the right to return in accordance with this Article.
8. The Commission, *inter alia*, shall:
 - a. Verify refugee status as defined in this Article.
 - b. Determine priorities for certain categories of refugees and certain areas.
 - c. Determine procedures for repatriation.
 - d. Process applications.
 - e. Repatriate the refugees.
 - f. Provide assistance to returning refugees.
 - g. Ensure the protection of returning refugees.
9. The Commission shall be composed of representatives from the United Nations, the United States, the Parties, UNRWA, the Arab host countries, the EU, and Canada. The Commission shall consult the governments of the Arab host countries as it may deem it necessary.
10. The Parties should implement the decisions of the Commission and should take appropriate actions to facilitate the execution of the Commission's decisions.
11. The Commission shall define its structure and work procedures.
12. The Commission shall have its headquarters in ___ and may have offices at other locations, as it deems appropriate.
13. The Commission shall establish a mechanism for resolution of disputes arising from the interpretation, application or performance of this Article.
14. Refugees shall have the right to appeal decisions rendered by the Commission pursuant to this Article. The Commission shall establish a mechanism for appeals.

Modalities of Return

15. All refugees who currently reside in Lebanon and choose to exercise the right of return in accordance with this Article shall be enabled to return to Israel within two years of the signing of this Agreement.
16. Without prejudice to the right of every refugee to return to Israel, and in addition to refugees returning pursuant to Paragraph 15 above, a minimum of XX refugees will be allowed to return to Israel annually.
17. The refugees who wish to return should declare their intention to the Commission, in accordance with procedures to be set out by the Commission, within 5 years of the date the Commission starts receiving these declarations. The exercise of the right of return subsequent to such declaration shall not be limited in time.
18. The Commission shall determine, according to transparent criteria, who will be allowed to return in any given year in accordance with Paragraph 16 of this Article.
19. Repatriation should be based on an individual voluntary decision, and should be carried out in a way that maintains the family unit.
20. The refugees should be provided with information necessary for them to make an informed decision with regard to all aspects of repatriation.
21. The refugees should not be compelled to remain in or move to situations of danger or insecurity, or to areas lacking in the basic infrastructure necessary to resume a normal life.
22. The refugees shall be permitted to return in safety, without risk of harassment, intimidation, persecution, or discrimination, particularly on account of their national origin, religious belief, or political opinion.
23. The Parties shall make such modifications to their internal laws as are necessary to facilitate the implementation of the right of return.
24. The Parties shall call upon states that currently host refugees to facilitate the early return of refugees in a manner consistent with human rights and international law.

Legal Status of Returning Refugees

25. Returning refugees should enjoy full civil and social rights and should be protected against discrimination, particularly in employment, education and the right to own property.
26. The returning refugees shall assume Israeli citizenship. This shall end his or her status as a refugee.

Restitution of refugees' Real Property

27. Real property owned by a returning refugee at the time of his or her displacement shall be restored to the refugee or his or her lawful successors.
28. In case where, according to criteria determined by the Repatriation Commission, it is impossible, impracticable or inequitable to restore the property to its refugee owner, the refugee shall restituted in-kind with property within Israel, equal in size and/or value to the land and other property that they lost.

UNRWA

29. UNRWA should be maintained until this Article is fully implemented and UNRWA's services are no longer needed. The scope of UNRWA's services should change appropriately as the implementation of this Article proceeds.

Compensation

30. The State of Israel shall compensate refugees for the property from which they were deprived as a result of their displacement, including, but not limited to, destroyed property and property placed under the custodianship of the "Custodian for Absentees' Property". Compensation should cover loss of property and loss of use and profit from the date of dispossession to the current day expressed in today's value.
31. The State of Israel shall also compensate refugees for suffering and losses incurred as a result of the refugee's physical displacement.
32. Refugees shall, as the case may be, receive repatriation assistance, in order to help them resettle in their places of origin, or rehabilitation assistance, in order to be rehabilitated in the place of their future residence. Funds for Repatriation Assistance and Rehabilitation Assistance should come from the International Fund described below.
33. The rights of return and compensation are independent and cumulative. A refugee's exercise of his or her right of return to Israel shall not prejudice his or her right to receive compensation pursuant to Paragraph 30, nor shall a refugee's receipt of compensation prejudice his or her right of return in accordance with this Article.
34. Unless property is collectively owned, material (and non-material) compensation should be awarded on an individual basis.
35. Pursuant to its responsibility for the compensation to the refugees, set forth in Article 30, Israel shall provide the funds needed for such compensation. These funds should be transferred to the International Funds described below and disbursed by the Fund and the Compensation Commission in accordance with this Article.
36. In particular, and without limiting in any way Israel's responsibility in accordance with Paragraph 35 above, resources available to the "Custodian for Absentees' Property" should be used to compensate the refugees for losses emanating from the dissipation of assets put under its trust. Furthermore, all the records of the "Custodian for Absentees' Property" pertaining to refugees' property shall be transferred to Compensation Commission.
37. Additional funds from the International Fund referenced below may be used to supplement Israeli funds for compensation purposes.

Compensation for Communal Property

38. The State of Israeli shall pay compensation to the state of Palestine for the Palestinian communal property existing within the internationally recognized borders of the State of Israel.
39. The communal property referenced in Paragraph 36 of this Article shall include real property as well as financial and other movable property.
40. Claims for compensation under Paragraph 36 should be administrated and adjudicated by the Compensation Commission.

Compensation for Host Countries

41. The refugees host countries (i.e., Lebanon, Syria, Jordan, Egypt, Iraq and the Palestinian Authority) shall receive compensation for the significant costs they bore in hosting the refugees.

Compensation Commission

42. A Compensation Commission shall be established to evaluate the Palestinian material and non-material losses, to administer the implementation of the provisions of this Article on compensation, and to administer and adjudicate claims of real property by refugees made pursuant to Paragraphs 27-28.
43. The Commission shall set out the modalities and procedures for submission and adjudication of claims for compensation, and disbursement of payments.
44. The Commission shall be composed of representatives from the Parties, the United States, the EU, the United Nations, the World Bank and donor countries.
45. The Commission shall accept the records of the United Nations Conciliation Commission for Palestine, as well as the records of the "Custodian for Absentees Property" made available to the Commission pursuant to Paragraph 36 above, as *prima facie* evidence of the losses of the refugees. The Commission may also use UNRWA's records and any other relevant records.
46. The Commission shall send a specialized technical team to evaluate the current value of the property for which compensation is due.
47. The parties should implement the decisions of the Commission and should take appropriate actions to facilitate the execution of the Commission's decisions. In addition, the state of Israel shall pass, within six months of the date of this Agreement, internal legislation that guarantees access by the individual compensation claimants or their authorized representative to the relevant Israeli state archives in order to facilitate the development of their claims.
48. The Commission shall have its headquarters in ___ and may have offices at other locations, as it deems appropriate.
49. The Commission shall establish a mechanism for resolution of disputes arising from the interpretation, application or performance of this Article.
50. Refugees shall have the right to appeal decisions rendered by the Commission pursuant to the Agreement. The Commission shall establish a mechanism for appeals.

International Fund

51. An International Fund shall be established to support and finance the implementation of the provisions in this Agreement related to the resolution of the Palestinian refugee issue.
52. The Fund shall have a Steering Committee responsible for setting priorities and policies for the use of international assistance consistent with the provisions of this Agreement on refugees.
53. The Steering Committee shall be composed of Palestine, the United States, the World Bank, EU, donor countries, ___. The Steering Committee will be supplemented by the participation of affected or interested regional parties as might be necessary. The Steering Committee will be responsible for mobilizing, coordinating and managing international financial and other assistance provided to enable implementation of the various aspects and dimensions of this Agreement related to refugees.
54. The World Bank and the United Nations shall be Joint-Secretariat for the Fund. The Secretariat shall be based at the World Bank.
55. The Steering Committee shall ask the World Bank to establish multilateral funding instruments to ensure that each aspect of this Agreement on refugees requiring financial assistance has corresponding instruments available to donors wishing to make use of multilateral mechanisms.
56. The World Bank shall have overall responsibility for ensuring that these funds are managed according to international standards of accounting and transparency. The secretariat shall be responsible for monitoring the overall level of donor contributions and disbursements (both via multilateral and bilateral channels) to support the implementation of the refugee agreement.
57. Assistance from the Fund shall include *inter alia* support for: return, compensation, repatriation assistance, rehabilitation assistance, transitional costs and related socio-economic assistance. Assistance for compensation shall be disbursed through the Compensation Commission.
58. Recipients of funds channeled through the Fund shall include *inter alia*: refugees, relevant Palestinian Ministries and public bodies, host Government Ministries and public bodies, and international public or private bodies selected to implement project assistance or provide technical or transitional support.

General

59. The Parties should make appropriate modifications to their internal laws to facilitate the execution of this Article.

End of Claims

60. The full implementation of this Article shall constitute a complete resolution of the refugee problem and shall end all claims emanating from that problem.
61. The right of each refugee in accordance with United Nations General Assembly Resolution 194 shall not be prejudiced until the refugee has exercised his right of return and received compensation under this Article or until the refugee has, based on his voluntary choice, received compensation and settled somewhere else.

ISRAELI PRIVATE RESPONSE TO THE PALESTINIAN REFUGEE PROPOSAL, "NON-PAPER - DRAFT 2," 23 JANUARY 2001

The significance of resolving the refugee problem

1. The issue of the Palestinian refugees is central to Israeli-Palestinian relations. Its comprehensive and just resolution is essential to creating a lasting and morally scrupulous peace.

Narrative

2. The State of Israel solemnly expresses its sorrow for the tragedy of the Palestinian refugees, their suffering and losses, and will be an active partner in ending this terrible chapter that was opened 53 years ago, contributing its part to the attainment of a comprehensive and fair solution to the Palestinian refugee problem.
3. For all those parties directly or indirectly responsible for the creation of the status of Palestinian refugeeism, as well as those for whom a just and stable peace in the region is an imperative, it is incumbent to take upon themselves responsibility to assist in resolving the Palestinian refugee problem of 1948.
4. Despite accepting the UNGAR 181 of November 1947, the emergent State of Israel became embroiled in the war and bloodshed of 1948-49, that led to victims and suffering on both sides, including the displacement and dispossession of the Palestinian civilian population who became refugees. These refugees spent decades without dignity, citizenship and property ever since.
5. Consequently, the solution to the refugee issue must address the needs and aspirations of the refugees, while accounting for the realities since the 1948-49 war. Thus, the wish to return shall be implemented in a manner consistent with the existence of the State of Israel as the homeland for Jewish people, and the establishment of the State of Palestine as the homeland of the Palestinian people.
6. A just settlement of the refugee problem in accordance with UNSCR 242 must lead to the implementation of UNGAR 194 (Palestinian Position).
7. Since 1948, the Palestinian yearning has been enshrined in the twin principles of the "Right of Return" and the establishment of an independent Palestinian State deriving the basis from International Law. The realization of the aspirations of the Palestinian people, as recognized in this agreement, includes the exercise of their right to self-determination and a comprehensive and just solution for the Palestinian refugees, based on UNGAR 194, providing for their return and guaranteeing the future welfare and well-being of the refugees, thereby addressing the refugee problem in all its aspects.
8. Regarding return, repatriation and relocation, each refugee may apply to one of the following programs, thus fulfilling the relevant clause of UNGAR 194:
 - a. To Israel - capped to an agreed limit of XX refugees, and with priority being accorded to those Palestinian refugees currently resident in Lebanon. The State of Israel notes its moral commitment to the swift resolution of the plight of the refugee population of the Sabra and Shatila camps.
 - b. To Israeli swapped territory. For this purpose, the infrastructure shall be prepared for the absorption of refugees in the sovereign areas of the State of Israel that shall be turned over to Palestinian sovereignty in the context of an overall development program.
 - c. To the State of Palestine: the Palestinian refugees may exercise their return in an unrestricted manner to the State of Palestine, as the homeland of the Palestinian people, in accordance with its sovereign laws and legislation.
 - d. Rehabilitation within existing Host Countries. Where this option is exercised the rehabilitation shall be immediate and extensive.
 - e. Relocation to third countries: voluntary relocation to third countries expressing the willingness and capacity to absorb Palestinian refugees.

Definition of a Refugee

9. See Article 6 of Palestinian paper as a Palestinian Position

Compensation and Rehabilitation

10. Each refugee may apply for compensation programs and rehabilitation assistance as shall be detailed in Articles XX. For this purpose an International Commission and an International Fund shall be established (Articles XX below) that shall have full and exclusive responsibility for the implementation of the resolution of the refugee problem in all its aspects, including the gathering and verification of claims, and allocation and disbursement of resources, to be conducted in accordance with the following principles:
- a. These programs shall address financial and in-kind compensation for displacement (moral suffering - Palestinian based position) and material loss, as well as the economic growth of the relevant communities. The dual objectives of individual historic justice and communal economic development shall guide the elaboration of these programs.
 - b. Programs of a compensatory nature shall be devised on both per-capita and claims based criteria, the former being of a fast-track nature (as detailed in Article XX below), and shall be managed according to a definitive and complete register of property claims to be compiled by an appropriate arm of the International Commission and Fund.
 - c. The Rehabilitation Assistance and Compensation Programs shall form an integral part of efforts to promote economic development and social regeneration of both the individuals concerned and the communities and societies in which they live or resettle, thus incorporating options or baskets of assistance (to be detailed).
 - d. Compensation for Host Countries will be in accordance with Article XX below.
 - e. The international community and the State of Israel shall be the principal contributors to the International Fund up to an agreed ceiling respectively. Israeli fixed assets that will remain in the State of Palestine following the Israeli withdrawal will be transferred to become assets of the International Fund in lieu of an amount of \$XX, constituting an integral part of the overall lump-sum of \$XX.

Host Countries

11. The refugees' host countries shall receive compensation for the significant costs they bore in hosting the refugees. Future rehabilitation costs and investments shall be addressed according to the details of this agreement, via bilateral arrangements between the host countries and the International Commission.

International Commission

12. The International Commission shall consist of the Palestinian State, Host Countries, Israel and members of the international community, including the United Nations, the World Bank, The European Union and the G8, as well as other relevant international institutions. The International Commission shall have full and exclusive responsibility for implementing the resolution of the refugee issue in all its aspects. The mandate, structure and mode of operation of the International Commission shall be detailed in this agreement.

UNRWA

13. The phased termination of UNRWA shall be in accordance with a timetable to be agreed upon between the parties, and shall not exceed five years. The scope of UNRWA's services should change appropriately as the implementation of this agreement proceeds (whereby the first phase shall include the transfer of the service and administrative functions of UNRWA to host governments and modalities for the transfer of relevant functions to the International Commission, as well as the discontinuation of the status of Palestinian refugee camp - new Palestinian text to be suggested).

Priority to Lebanese refugees

14. Preference in all the above programs shall be accorded to the Palestinian refugee population in Lebanon.

Former Jewish refugees

15. Although the issue of compensation to former Jewish refugees from Arab countries is not part of the bilateral Israeli-Palestinian agreement, in recognition of their suffering and losses, the Parties pledge to cooperate in pursuing an equitable and just resolution to the issue.

End of claims

16. The Parties agree that the above constitutes a complete and final implementation of Article 11 of UNGAR 194 of 11th December 1948, and consider the implementation of the agreed programs and measures as detailed above constitute a full, final and irrevocable settlement of the Palestin-

ian refugee issue in all its dimensions. No additional claims or demands arising from this issue shall be made by either Party. With the implementation of these articles there shall be no individuals qualified for the status of a Palestinian Refugee.



JOINT STATEMENT AT THE CLOSE OF THE TABA TALKS, 27 JANUARY 2001

[See also Map 3 in the Annex]

The Israeli and Palestinian delegations conducted during the last six days serious, deep and practical talks with the aim of reaching a permanent and stable agreement between the two parties.

The Taba talks were unprecedented in their positive atmosphere and expression of mutual willingness to meet the national, security and existential needs of each side.

Given the circumstances and time constraints, it proved impossible to reach understandings on all issues, despite the substantial progress that was achieved in each of the issues discussed.

The sides declare that they have never been closer to reaching an agreement and it is thus our shared belief that the remaining gaps could be bridged with the resumption of negotiations following the Israeli elections.

The two sides take upon themselves to return to normalcy and to establish [a] security situation on the ground through the observation of their mutual commitments in the spirit of the Sharm el-Sheikh memorandum.

The negotiation teams discussed four main themes: refugees, security, borders and Jerusalem, with a goal to reach a permanent agreement that will bring an end to the conflict between them and provide peace to both people.

The two sides took into account the ideas suggested by President Clinton together with their respective qualifications and reservations.

On all these issues there was substantial progress in the understanding of the other side's positions and in some of them the two sides grew closer.

As stated above, the political timetable prevented reaching an agreement on all the issues. However, in light of the significant progress in narrowing the differences between the sides, the two sides are convinced that in a short period of time and given an intensive effort and the acknowledgment of the essential and urgent nature of reaching an agreement, it will be possible to bridge the differences remaining and attain a permanent settlement of peace between them.

In this respect, the two sides are confident that they can begin and move forward in this process at the earliest practical opportunity.

The Taba talks conclude an extensive phase in the Israeli-Palestinian permanent status negotiations with a sense of having succeeded in rebuilding trust between the sides and with the notion that they were never closer in reaching an agreement between them than today.

We leave Taba in a spirit of hope and mutual achievement, acknowledging that the foundations have been laid both in reestablishing mutual confidence and in having progressed in a substantive engagement on all core issues.

The two sides express their gratitude to President Hosni Mubarak for hosting and facilitating these talks. They also express their thanks to the European Union for its role in supporting the talks.



THE MORATINOS "NON-PAPER", JANUARY 2001

[The European Union's account of the Taba talks, prepared by EU envoy Miguel Moratinos, was published for the first time in Ha'aretz on 14 Feb. 2002.]

Introduction

This EU non-paper has been prepared by the EU Special Representative to the Middle East Process, Ambassador Moratinos, and his team after consultations with the Israeli and Palestinian sides, present at Taba in January 2001. Although the paper has no official status, it has been acknowledged by the parties as being a relatively fair description of the outcome of the negotiations on the permanent status issues at Taba. It draws attention to the extensive work which has been undertaken on all permanent status issues like territory, Jerusalem, refugees and security in order to find ways to come to joint positions. At the same time it shows that there are serious gaps and differences between the two sides, which will have to be overcome in future negotiations. From that point of view, the paper reveals the challenging task ahead in terms of policy determination and legal work, but it also shows that both sides have traveled a long way to accommodate the views of the other side and that solutions are possible.

1. Territory

The two sides agreed that in accordance with the UN Security Council Resolution 242, the June 4 1967 lines would be the basis for the borders between Israel and the state of Palestine.

1.1 West Bank

For the first time both sides presented their own maps over the West Bank. The maps served as a basis for the discussion on territory and settlements. The Israeli side presented two maps, and the Palestinian side engaged on this basis. The Palestinian side presented some illustrative maps detailing its understanding of Israeli interests in the West Bank.

The negotiations tackled the various aspects of territory, which could include some of the settlements and how the needs of each party could be accommodated. The Clinton parameters served as a loose basis for the discussion, but differences of interpretations regarding the scope and meaning of the parameters emerged. The Palestinian side stated that it had accepted the Clinton proposals but with reservations.

The Israeli side stated that the Clinton proposals provide for annexation of settlement blocs. The Palestinian side did not agree that the parameters included blocs, and did not accept proposals to annex blocs. The Palestinian side stated that blocs would cause significant harm to the Palestinian interests and rights, particularly to the Palestinians residing in areas Israel seeks to annex.

The Israeli side maintained that it is entitled to contiguity between and among their settlements. The Palestinian side stated that Palestinian needs take priority over settlements. The Israeli maps included plans for future development of Israeli settlements in the West Bank. The Palestinian side did not agree to the principle of allowing further development of settlements in the West Bank. Any growth must occur inside Israel.

The Palestinian side maintained that since Israel has needs in Palestinian territory, it is responsible for proposing the necessary border modifications. The Palestinian side reiterated that such proposals must not adversely affect the Palestinian needs and interests.

The Israeli side stated that it did not need to maintain settlements in the Jordan Valley for security purposes, and its proposed maps reflected this position.

The Israeli maps were principally based on a demographic concept of settlements blocs that would incorporate approximately 80 percent on the settlers. The Israeli side sketched a map presenting a 6 percent annexation, the outer limit of the Clinton proposal. The Palestinian illustrative map presented 3.1 percent in the context of a land swap.

Both sides accepted the principle of land swap but the proportionality of the swap remained under discussion. Both sides agreed that Israeli and Palestinian sovereign areas will have respective sovereign contiguity. The Israeli side wished to count "assets" such as Israelis "safe passage/corridor" proposal as being part of the land swap, even though the proposal would not give Palestine sovereignty over these "assets". The Israeli side adhered to a maximum 3 percent land swap as per Clinton proposal.

The Palestinian maps had a similar conceptual point of reference stressing the importance of a non-annexation of any Palestinian villages and the contiguity of the West Bank and Jerusalem. They were predicated on the principle of a land swap that would be equitable in size and value and in areas adjacent to the border with Palestine, and in the same vicinity as the annexed by Israel. The Palestinian side further maintained that land not under Palestinian sovereignty such as the Israeli proposal regarding a "safe passage/corridor" as well as economic interests are not included in the calculation of the swap.

The Palestinian side maintained that the "No-Man's-Land" (Latrun area) is part of the West Bank. The Israelis did not agree.

The Israeli side requested an additional 2 percent of land under a lease arrangement to which the Palestinians responded that the subject of lease can only be discussed after the establishment of a Palestinian state and the transfer of land to Palestinian sovereignty.

1.2 Gaza Strip

Neither side presented any maps over the Gaza Strip. It was implied that the Gaza Strip will be under total Palestinian sovereignty, but details have still to be worked out. All settlements will be evacuated. The Palestinian side claimed it could be arranged in 6 months, a timetable not agreed by the Israeli side.

1.3 Safe passage/corridor from Gaza to the West Bank

Both sides agreed that there is going to be a safe passage from the north of Gaza (Beit Hanun) to the Hebron district, and that the West Bank and the Gaza Strip must be territorially linked. The nature of the regime governing the territorial link and sovereignty over it was not agreed.

2. Jerusalem

2.1 Sovereignty

Both sides accepted in principle the Clinton suggestion of having a Palestinian sovereignty over Arab neighborhoods and an Israeli sovereignty over Jewish neighborhoods. The Palestinian side affirmed that it was ready to discuss Israeli request to have sovereignty over those Jewish settlements in East Jerusalem that were constructed after 1967, but not Jebel Abu Ghneim and Ras al-Amud. The Palestinian side rejected Israeli sovereignty over settlements in the Jerusalem Metropolitan Area, namely of Ma'ale Adumim and Givat Ze'ev.

The Palestinian side understood that Israel was ready to accept Palestinian sovereignty over the Arab neighborhoods of East Jerusalem, including part of Jerusalem's Old City. The Israeli side understood that the Palestinians were ready to accept Israeli sovereignty over the Jewish Quarter of the Old City and part of the American Quarter.

The Palestinian side understood that the Israeli side accepted to discuss Palestinian property claims in West Jerusalem.

2.2 Open City

Both sides favored the idea of an Open City. The Israeli side suggested the establishment of an open city whose geographical scope encompasses the Old City of Jerusalem plus an area defined as the Holy Basin or Historical Basin.

The Palestinian side was in favor of an open city provided that continuity and contiguity were preserved. The Palestinians rejected the Israeli proposal regarding the geographic scope of an open city and asserted that the open city is only acceptable if its geographical scope encompasses the full municipal borders of both East and West Jerusalem.

The Israeli side raised the idea of establishing a mechanism of daily coordination and different models were suggested for municipal coordination and cooperation (dealing with infrastructure, roads, electricity, sewage, waste removal etc). Such arrangements could be formulated in a future detailed agreement. It proposed a "soft border regime" within Jerusalem between Al-Quds and Yerushalaim that affords them "soft border" privileges. Furthermore the Israeli side proposed a number of special arrangements for Palestinian and Israeli residents of the Open City to guarantee that the Open City arrangement neither adversely affect their daily lives nor compromise each party sovereignty over its section of the Open City.

2.3 Capital for two states

The Israeli side accepted that the City of Jerusalem would be the capital of the two states: Yerushalaim, capital of Israel and Al-Quds, capital of the state of Palestine. The Palestinian side expressed its only concern, namely that East Jerusalem is the capital of the state of Palestine.

2.4 Holy/Historical Basin and the Old City

There was an attempt to develop an alternative concept that would relate to the Old City and its surroundings, and the Israeli side put forward several alternative models for discussion, for example, setting up a mechanism for close coordination and cooperation in the Old City. The idea of a special police force regime was discussed but not agreed upon.

The Israeli side expressed its interest and raised its concern regarding the area conceptualized as the Holy Basin (which includes the Jewish Cemetery on the Mount of Olives, the City of David and Kivron Valley). The Palestinian side confirmed that it was willing to take into account Israeli interests and concerns provided that these places remain under Palestinian sovereignty. Another option for the Holy Basin, suggested informally by the Israeli side, was to create a special regime or to suggest some form of internationalization for the entire area or a joint regime with special cooperation and coordination. The Palestinian side did not agree to pursue any of these ideas, although the discussion could continue.

2.5 Holy Sites: Western Wall and the Wailing Wall

Both parties have accepted the principle of respective control over each side's respective holy sites (religious control and management). According to this principle, Israel's sovereignty over the Western Wall would be recognized although there remained a dispute regarding the delineation of the area covered by the Western Wall and especially the link to what is referred to in Clinton's ideas as the space sacred to Judaism of which it is part.

The Palestinian side acknowledged that Israel has requested to establish an affiliation to the holy parts of the Western Wall, but maintained that the question of the Wailing Wall and/or Western Wall has not been resolved. It maintained the importance of distinguishing between the Western Wall and the Wailing Wall segment thereof, recognized in the Islamic faith as the Buraq Wall.

2.6 Haram al-Sharif/Temple Mount

Both sides agreed that the question of Haram al-Sharif/Temple Mount has not been resolved. However, both sides were close to accepting Clinton's ideas regarding Palestinian sovereignty over Haram al-Sharif notwithstanding Palestinian and Israeli reservations.

Both sides noted progress on practical arrangements regarding evacuations, building and public order in the area of the compound. An informal suggestion was raised that for an agreed period such as three years, Haram al-Sharif/Temple Mount would be under international sovereignty of the P5 plus Morocco (or other Islamic presence), whereby the Palestinians would be the "Guardian/Custodians" during this period. At the end of this period, either the parties would agree on a new solution or agree

to extend the existing arrangement. In the absence of an agreement, the parties would return to implement the Clinton formulation. Neither party accepted or rejected the suggestion.

3. Refugees

Non-papers were exchanged, which were regarded as a good basis for the talks. Both sides stated that the issue of the Palestinian refugees is central to the Israeli-Palestinian relations and that a comprehensive and just solution is essential to creating a lasting and morally scrupulous peace. Both sides agreed to adopt the principles and references which could facilitate the adoption of an agreement.

Both sides suggested, as a basis, that the parties should agree that a just settlement of the refugee problem in accordance with the UN Security Council Resolution 242 must lead to the implementation of UN General Assembly Resolution 194.

3.1 Narrative

The Israeli side put forward a suggested joint narrative for the tragedy of the Palestinian refugees. The Palestinian side discussed the proposed narrative and there was much progress, although no agreement was reached in an attempt to develop a historical narrative in the general text.

3.2 Return, repatriation and relocation and rehabilitation

Both sides engaged in a discussion of the practicalities of resolving the refugee issue. The Palestinian side reiterated that the Palestinian refugees should have the right of return to their homes in accordance with the interpretation of UNGAR 194. The Israeli side expressed its understanding that the wish to return as per wording of UNGAR 194 shall be implemented within the framework of one of the following programs:

A. Return and repatriation

1. to Israel
2. to Israel swapped territory
3. to the Palestine state.

B. Rehabilitation and relocation

1. Rehabilitation in host country.
2. Relocation to third country.

Preference in all these programs shall be accorded to the Palestinian refugee population in Lebanon. The Palestinian side stressed that the above shall be subject to the individual free choice of the refugees, and shall not prejudice their right to their homes in accordance with its interpretation of UNGAR 194.

The Israeli side, informally, suggested a three-track 15-year absorption program, which was discussed but not agreed upon. The first track referred to the absorption to Israel. No numbers were agreed upon, but with a non-paper referring to 25,000 in the first three years of this program (40,000 in the first five years of this program did not appear in the non-paper but was raised verbally). The second track referred to the absorption of Palestinian refugees into the Israeli territory, that shall be transferred to Palestinian sovereignty, and the third track referring to the absorption of refugees in the context of family reunification scheme.

The Palestinian side did not present a number, but stated that the negotiations could not start without an Israeli opening position. It maintained that Israel's acceptance of the return of refugees should not prejudice existing programs within Israel such as family reunification.

3.3 Compensation

Both sides agreed to the establishment of an International Commission and an International Fund as a mechanism for dealing with compensation in all its aspects. Both sides agreed that "small-sum" com-

pensation shall be paid to the refugees in the "fast-track" procedure, claims of compensation for property losses below certain amount shall be subject to "fast-track" procedures.

There was also progress on Israeli compensation for material losses, land and assets expropriated, including agreement on a payment from an Israeli lump sum or proper amount to be agreed upon that would feed into the International Fund. According to the Israeli side the calculation of this payment would be based on a macro-economic survey to evaluate the assets in order to reach a fair value. The Palestinian side, however, said that this sum would be calculated on the records of the UNCCP, the Custodian for Absentee Property and other relevant data with a multiplier to reach a fair value.

3.4 UNRWA

Both sides agreed that UNRWA should be phased out in accordance with an agreed timetable of five years, as a targeted period. The Palestinian side added a possible adjustment of that period to make sure that this will be subject to the implementation of the other aspects of the agreement dealing with refugees, and with termination of Palestinian refugee status in the various locations.

3.5 Former Jewish refugees

The Israeli side requested that the issue of compensation to former Jewish refugees from Arab countries be recognized, while accepting that it was not a Palestinian responsibility or a bilateral issue. The Palestinian side maintained that this is not a subject for a bilateral Palestinian-Israeli agreement.

3.6 Restitution

The Palestinian side raised the issue of restitution of refugee property. The Israeli side rejected this.

3.7 End of claims

The issue of the end of claims was discussed, and it was suggested that the implementation of the agreement shall constitute a complete and final implementation of UNGAR 194 and therefore ends all claims.

4. Security

4.1 Early warning stations

The Israeli side requested to have 3 early warning stations on Palestinian territory. The Palestinian side was prepared to accept the continued operations of early warning stations but subject to certain conditions. The exact mechanism has therefore to be detailed in further negotiations.

4.2 Military capability of the state of Palestine

The Israeli side maintained that the state of Palestine would be non-militarized as per the Clinton proposals. The Palestinian side was prepared to accept limitation on its acquisition of arms, and be defined as a state with limited arms. The two sides have not yet agreed on the scope of arms limitations, but have begun exploring different options. Both sides agree that this issue has not been concluded.

4.3 Air space control

The two sides recognized that the state of Palestine would have sovereignty over its airspace. The Israeli side agreed to accept and honor all of Palestine civil aviation rights according to international regulations, but sought a unified air control system under overriding Israel control. In addition, Israel requested access to Palestinian airspace for military operations and training.

The Palestinian side was interested in exploring models for broad cooperation and coordination in the civil aviation sphere, but unwilling to cede overriding control to Israel. As for Israeli military operations and training in Palestinian airspace, the Palestinian side rejected this request as inconsistent with the neutrality of the state of Palestine, saying that it cannot grant Israel these privileges while denying them to its Arab neighbors.

4.4 Time table for withdrawal from the West Bank and Jordan Valley

Based on the Clinton proposal, the Israeli side agreed to a withdrawal from the West Bank over a 36-month period with an additional 36 months for the Jordan Valley in conjunction with an international force, maintaining that a distinction should be made between withdrawal in the Jordan Valley and elsewhere.

The Palestinian side rejected a 36-month withdrawal process from the West Bank expressing concern that a lengthy process would exacerbate Palestinian-Israeli tensions. The Palestinian side proposed an 18 months withdrawal under the supervision of international forces. As to the Jordan Valley the Palestinian side was prepared to consider the withdrawal of Israeli armed forces for an additional 10-month period. Although the Palestinian side was ready to consider the presence of international forces in the West Bank for a longer period, it refused to accept the ongoing presence of Israeli forces.

4.5 Emergency deployment (or emergency locations)

The Israeli side requested to maintain and operate five emergency locations on Palestinian territory (in the Jordan Valley) with the Palestinian response allowing for maximum of two emergency locations conditional on a time limit for the dismantling. In addition, the Palestinian side considered that these two emergency locations be run by international presence and not by the Israelis. Informally, the Israeli side expressed willingness to explore ways that a multinational presence could provide a vehicle for addressing the parties' respective concerns.

The Palestinian side declined to agree to the deployment of Israeli armed forces on Palestinian territory during emergency situations, but was prepared to consider ways in which international forces might be used in that capacity, particularly within the context of regional security cooperation efforts.

4.6 Security cooperation and fighting terror

Both sides were prepared to commit themselves to promoting security cooperation and fighting terror.

4.7 Borders and international crossings

The Palestinian side was confident that Palestinian sovereignty over borders and international crossing points would be recognized in the agreement. The two sides had, however, not yet resolved this issue including the question of monitoring and verification at Palestine's international borders (Israeli or international presence).

4.8 Electromagnetic sphere

The Israeli side recognized that the state of Palestine would have sovereignty over the electromagnetic sphere, and acknowledged that it would not seek to constrain Palestinian commercial use of the sphere, but sought control over it for security purposes.

The Palestinian side sought full sovereign rights over the electromagnetic sphere, but was prepared to accommodate reasonable Israeli needs within a cooperative framework in accordance with international rules and regulations.

Dispute over Ma'aleh Adumim

The importance of Israel's recognition of the June 4, 1967 border is that since 1967 (and even today), Israel's official position has been that UN Security Council Resolution 242 mandates withdrawal from "territories" conquered in the Six Day War. The Arab position, in contrast, is that the resolution requires withdrawal from "the territories." Israel's official refusal to recognize the June 4, 1967 borders is currently an obstacle to Foreign Minister Shimon Peres in his efforts to reach an agreement with the chairman of the Palestinian Legislative Council, Ahmed Qureia (Abu Ala). There is no Palestinian confirmation of Peres' claim that the Palestinians have accepted the formulation that a final-status agreement will be based on Resolution 242.

Israel agreed to recognize the June 4, 1967 border as the basis for the border between Israel and Palestine after the Palestinians agreed in principle to discuss territorial swaps in the West Bank, as proposed by Clinton, that would enable Israel to annex parts of the West Bank adjacent to the Green Line (but not parts of Gaza). The maps presented by the Palestinians at Taba gave Israel 3.1 percent of the West Bank. That is less than the lower limit proposed in the Clinton plan (under which the Palestinians would receive 94 to 96 percent of the West Bank). Israel demanded 6 percent - the upper boundary of the Clinton plan - plus an additional 2 percent in the context of a leasing agreement. The Palestinians also rejected Israel's demand that the "no man's land" around Latrun not be considered part of the West Bank.

According to the document, Israel gave up all the Jordan Valley settlements, focusing instead on its security interests in that area. The dispute centered around the large stretch of territory between Ma'aleh Adumim and Givat Ze'ev, which contains both a fairly large Palestinian population and East Jerusalem's most important land reserves. The Palestinians retracted their earlier readiness to include these two settlements in the settlement blocs to be annexed to Israel after realizing that Israel also insisted on annexing the large tract that joins them - which would mean that Palestinian citizens would suddenly find themselves in sovereign Israeli territory. Barak instructed his chief negotiator, Gilad Sher, to tell the Palestinians that the map presented by then foreign minister Shlomo Ben-Ami, which reduced the area of the settlement bloc (including the Ma'aleh Adumim-Givat Ze'ev tract) to only 5 percent of the West Bank, had no validity.

Another dispute that remained unresolved stemmed from Israel's refusal to accept the Palestinian demand for a 1:1 ratio between the area of the West Bank annexed to Israel and the parts of Israel that would be given to the Palestinians in exchange. Israel proposed a ratio of 1:2, in its favor. In addition, the Palestinians rejected Israel's proposal that the Halutza Dunes in the Negev, the area of the "safe passage" between the West Bank and Gaza, and the part of Ashdod Port that would be set aside for Palestinian use all be considered part of the land swap. They insisted that the land they received be contiguous with either the West Bank or Gaza, and that it not include any land that was merely set aside for their use, over which they would not have sovereignty. (Akiva Eldar)

How long is the Western Wall?

The Clinton proposal paved the way for understandings in Jerusalem, but it also created the principal dispute between the two parties.

An agreement was reached that East Jerusalem, which would be called Al-Quds, would be the capital of Palestine. Understandings were also reached regarding a division of East Jerusalem's neighborhoods such that Jewish neighborhoods would remain under Israeli sovereignty (other than Har Homa, which the first Jewish families are just moving into now, and Ras al-Amud), while Arab neighborhoods would be transferred to Palestinian sovereignty. In addition, it was agreed that parts of the Old City - the Muslim Quarter, the n Quarter and part of the Armenian Quarter - would be to the Palestinians.

But the Clinton proposal did not help the parties to draw mutually accepted borders between the Open City - to which both sides agreed - and the surrounding Palestinian areas, on one side, and Israeli areas, on the other. The Open City is territory that citizens of both countries can enter without passing through any checkpoints. The Palestinians wanted it to encompass all of Jerusalem, while the Israelis wanted it limited to the Old City only.

And the Clinton proposal complicated negotiations on the most sensitive issue: the Western Wall. Clinton had referred to "the holy parts" of the Wall, thereby creating an opening for the Palestinian claim that only the exposed part of the Wall (the Wailing Wall) is considered holy to the Jews, and therefore only this part should be left under Israeli sovereignty. Palestinians claimed the Western Wall tunnels were part of Haram al-Sharif (the Temple Mount).

Since the Taba talks ended, many meetings and seminars have taken place in an effort to close the gaps, attended by politicians and experts from both sides and from other countries as well.

Symbols of sovereignty

Israel insisted that it retain sovereignty over the "safe passage" between Gaza and the West Bank, with the Palestinians receiving only usage rights to the land. With respect to air space, however, Israel adopted a more generous approach to the sovereignty issue. Nevertheless, it demanded rights to the use of Palestinian air space, including for air force training exercises.

The document reveals that the Palestinians expressed a willingness to accept the principle of limitations on their armaments and even took Israel's security needs into account (they agreed to three early warning stations and two "emergency locations," compared to the five "emergency locations" Israel had sought in addition to the early warning stations).

But in all matters relating to the symbols of sovereignty, the Palestinians took a harder line. They therefore insisted that an international force man the "emergency locations," rather than an Israeli one. And the issue of control over Palestine's international border remained unresolved for the same reason: the question of who would man the border control posts.



FATEH MOVEMENT, 44 REASONS WHY TO REJECT THE 'CLINTON PROPOSALS', JANUARY 2001

First: The Peace Process Terms of Reference

The process was launched on the basis of international legitimacy resolutions 242 and 338 and the principle of land for peace, in addition to the resolutions pertaining to Jerusalem no. 181, 252 and pertaining to the refugees no. 194 and pertaining to settlements no. 486. The proposals violated the terms of reference in the following areas, which stipulates refusing them:

- 1- Non-implementation of full withdrawal from the occupied territories according to UN Security Council resolutions 242 and 338, and the call for cutting part of the land means dividing the Palestinian state into three separated cantons; this prevents the geographic continuity that was stipulated in the unfair Oslo Agreements.
- 2- Demanding the reaching to a full peace without full military and civil withdrawal of the occupation army and the settlers from the Palestinian territories occupied in 1967; this violates the principle of land for peace; an incomplete withdrawal means an incomplete peace; this is a situation that does not end the state of conflict, which is stipulated in the proposals.
- 3- The demand for dividing Jerusalem to the point of fragmenting it into pieces without considering it an indispensable part of the occupied Palestinian lands; this contradicts with the UN Security Council resolution 252 pertaining to East Jerusalem.
- 4- The call to cancel the right of return for the Palestinian refugees to their homes and properties from which they were evicted and impose the cases of resettlement and rehabilitation and some cases of return on a humanitarian basis under the title of family reunification.
- 5- Impose the legitimacy of settlements through proposing a the annexation of 5% of the area of the West Bank to absorb the settlers; this contradicts with all resolutions issued by the UN Security Council and General Assembly that consider settlements as illegitimate and an obstacle in the path of peace.

Second: Sponsorship of the Peace Process

The peace agreements were signed under US and Russian sponsorship with European and Arab participation and a UN representative. However, the monopoly of the Zionist Clinton administration to the peace process, especially after the end of the transitional phase without implementing it, made the Palestinian position stress on the full international sponsorship of the process. In addition to the reasons pertaining to the terms of reference, we add the following reasons for rejecting the proposals:

- 6- Imposing the absence of the UN in order to make the international legitimacy resolutions absent from any agreement.

- 7- The US monopoly means that the Zionist group of the White House and the Zionist Lobby are controlling the future of the Palestinian people cause; in many of the instances, they prefer the Israeli interest over the US interest because of their ideological connection with the Zionist thought.
- 8- The absence of the international sponsorship means the absence of guarantees towards the implementation of international legitimacy and making room for manoeuvring and evasion.
- 9- The US proposals talk about an end of a conflict at the time when they propose a new declaration of principles that abolishes the terms of reference of the peace process and do not deal with the final status of the process that requires implementing decisions and not evading them. Accepting the proposals even with reservations transforms the basic reference into a Palestinian non-binding demand and releases the Israelis and Americans from it.
- 10- The vagueness of the text of the proposals requires international sponsorship that can impose clarity instead of the destructive vagueness so that interpreting the texts of the articles will not be in the hands of the US lobby and will not be subject to the hegemony of the Israeli force.

Third: The Palestinian Lands

In addition to what we have mentioned in terms of non-commitment to the resolutions of full withdrawal 242 and 338 and the land for peace principle, there are additional reasons pertaining to the land:

- 11- The proposals are launched on the basis that the conflict is around the occupied territories in 1967, which is 23% of the Historical Palestine area; they are trying to ignore the historical and natural right of the Palestinian people on all of the Palestinian territories; they ignore UN General Assembly Resolution 181, which divided Palestine into a Jewish state that controls 52% and an Arab state which controls 44% and a separate entity for Jerusalem of 2%: it transformed the Palestinian lands into the Compromise of Partition, then into a Compromise of Forceful Occupation of half of the lands of the Palestinian state and half of the entity of Jerusalem. Now, they want to impose a new compromise of partition on the remaining 23% of the land.
- 12- They play tricks in the ratios they talk about; we have to stress that we reject in the field of modern negotiations to talk about ratios of land. The basic matter is the principle of full withdrawal. Despite this, when Clinton says that Palestinians talk about 100% of the land and that Israelis talk about 90% of the land, which means they want to annex 10% only, but Clinton exerts pressure to reach a middle-road solution of 95% of land to the Palestinians. This figure is considered a profitable bargain to some under the shaking balance of powers. When the secret of figures was revealed, many realized that the real ratios are otherwise; they realized that these figures would shred the Palestinian entity into cantons. The 95% will not be calculated from the total area of the West Bank occupied in 1967; it will be calculated after deducting Jerusalem which was annexed, and the no mans land in Latron and the Dead Sea, which equals to 18% of the West Bank; this means that the withdrawal from 95% of a total area of 82%, which means withdrawing from 77% of the total area of the West Bank.
- 13- Out of the remaining 77%, the proposals demand cutting 5% in addition to leasing 3% for 999 years "until Dooms Day" which leaves 69%, which is 15% of the historical and natural right of the Palestinian people in the lands of their homeland.
- 14- The proposal that demands keeping 80% of the settlers in their settlement sites despite its illegitimacy; this proposal gives them land equal to four times the land where settlements are located now; all constructed settlements are located on 6.1% of the total area of the West Bank while giving them 5% to 6% is three or four times its area.
- 15- Despite our absolute rejection to the land exchange principle as a precondition and not a result of negotiations between two independent states, the proposals included the exchange of 5% of the Palestinian lands in return for 1% to 3% of occupied lands in 1948. Instead of having it of the same value and size, the proposals suggest cutting the most important, fertile and populated parts of land and includes the basic water basin for the Palestinians and besieges Arab Jerusalem while they suggest in return desert land that are used as dumpsite for nuclear waste.
- 16- Proposing the leasing of Palestinian lands for a long period of time is a state of annexation under tricky titles; we do not know for what purpose these lands will be used. Is it an attempt to cancel what has been agreed upon regarding the safe passage as a basic part of the peace process in the "Gaza Jericho First" Phase which has been stalled for now.

- 17- The proposals give continuity of land to be annexed or rented by Israel so that it will lead to disconnecting the Palestinian lands.
- 18- The image of the Palestinian homeland according to the proposals gives an idea about the future conflict between the points of the intertwining and overlapping triangles which disrupts the future life of the Palestinian people because of this geographical overlap instead of geographical separation; the joint borders between the Palestinian lands and Israel after the amendments according to the proposal will be ten times the length of the existing Green Line and that the settlement blocs and concentrations will become areas for future conflict.
- 19- Looking at the map according to the proposals gives a preliminary vision that the Palestinian state is unsustainable and cannot grow and absorb the refugees. Therefore, we reject using the settlement blocs as a negotiation principle that imposes itself on the ground.
- 20- Annexing an unpopulated area under the pretext of security reasons is rejected because it reduces the Palestinian sovereignty and makes the aspired state a subordinating entity, especially on the eastern borders along the Jordan River.

Fourth: Jerusalem

Clinton proposed a general principle that Arab regions go to Palestine and Jewish regions go to Israel. Clinton also appealed to both sides to draw up maps that secure the maximum extent of geographic continuity to both sides along with rights of both sides in Aqsa Mosque and the Western Wall. The proposals pertaining to Jerusalem bring more substantial reasons to reject the proposals, mainly the following:

- 21- Rejecting the principle of Judaization and annexation since Jerusalem occupied in 1967 and anything in it belongs to Palestine and no one can accept the measures of Judaization and annexation that were exercised by Israel and violating the international legitimacy resolutions.
- 22- Rejecting any rights of Jews in the Aqsa Mosque that must not be desecrated by the Zionist extremists.
- 23- Rejecting any rights for Jews in the Western Wall.. the Buraq Wall or its extension, this matter was ratified by a British Commission, especially after the Buraq Revolution in 1929 while its resolution came in 1931 regarding the right of ownership of the Wall to the Islamic Waqf and that Jews cannot set up a table near the Wall and that their connection and proximity to the Wall will be upon a permission by the Moslems.
- 24- Rejecting the talk over the so-called Wailing Wall which is 58 meters long and reject its extension to include all the Western Wall which is 485 meters long since the whole wall is part of the Aqsa Mosque and there won't be any fragmentation of sovereignty over it.
- 25- Rejecting any recognition of the Jews rights in the Tunnel beneath the Western Wall since the mere opening of this tunnel in 1996 during Netanyahu reign erupted the Aqsa Uprising that did not calm down until the Hebron Protocol was imposed on Netanyahu and the withdrawal from important parts in Hebron.
- 26- Rejecting the principle of sharing sovereignty over the Aqsa Mosque and rejecting any Israeli sovereignty beneath the Aqsa Mosque.
- 27- Rejecting the principle of Israeli sovereignty over the sites that have connection with the Jews within the borders of East Jerusalem, such as what they call The Jewish Quarter, the Jewish Cemetery, City of David where Silwan town is located. This means once again yielding to the idea of dispersing the city into mosaic streets that contradict with the sanctity of the city that Zionists claim they want it unified. They want it also under their absolute sovereignty. The future of the Holy City is that it should be open to all worshippers and religious people so that each can reach to his holy site under the Palestinian Islamic and Christian sovereignty and that does not contradict with any religion, including the Jewish religion.
- 28- The proposals ignored the Arab rights in West Jerusalem since 70% of West Jerusalem is based on stolen Arab properties.

Fifth: Palestinian Refugees

The launching of the Palestinian armed revolution in 1965 under the title of (The Road of Return, the Road of Unity), at that time, the return was not meant as the return according to resolution 194, which means return under the Zionist entity but return under the liberation of Palestine. Then, the total occu-

pation of the Palestinian lands came in 1967 to become the political program that coincides with the balances of powers that accepts a Palestinian state in the West Bank and Gaza Strip. A concession was made on the area of the land. But the sacred right of return could not be surrendered. The issue of the refugees is the core of the Arab-Israeli conflict. The refugees have a right. They are residing in various Arab countries, whether they have citizenship of these countries or if they are living in the refugee camps. They all refuse the idea of resettlement in general. They demand their right of return as a principle. This sacred right was ratified by the international legitimacy resolution 194, which was violated by Clinton's proposals. In addition to this blatant violation, there are other reasons to be added:

- 29- The proposals violate the core of the right of return since it expresses a freedom of choice for the Palestinian human being so that return will be to their homes and properties from which they were evicted and not to the sites that they decide.
- 30- The right of return must guarantee also the right of compensation for all who desire to return because of the sufferings and eviction and for the years in which the occupation used these properties.
- 31- The formula in the proposals imposes on Arab countries to absorb Palestinian refugees as citizens in them and this is a rejected matter since it is a decision of collective punishment without giving the individuals freedom of choice.
- 32- The proposals that demand a formula of both Palestinian and Israeli sides recognizing the right of return of refugees to historical Palestine or to their homeland show that the agreement must clarify that there is no specific right for refugees in return to the regions that are located now within Israel. This deception rises from the fact that Israel cannot absorb the right of return but it allows the unlimited return of any Jew in the world at any time. The slogan of Zionism remains immigration and it affects the Israeli policy which absorbed in a short period of time more than one million Russian immigrant from the former Soviet Union, where many of them were not Jews, but there is room for them in Palestine at the expense of the Palestinian people.
- 33- It is impossible to recognize the alleged right of return for the so-called the Chosen People into the Promised Land after thousands of years while at the same time it denies the Palestinian human being the same right and they see their lands seized every day and they are evicted from it every day.
- 34- Rejecting the right of return means the continuation of the struggle indefinitely and blocking the path for any possibility for coexistence between the Palestinian Moslem and Christian people and the Israelis. This coexistence can realize in the future democratic relations within the context of the historical Palestine that can secure peace and security. The right of return does not aim to destroy Israel as Zionist claim; the right of return seeks to help Jews get rid of the racist Zionism that wants to impose their permanent isolation from the rest of the world.

Sixth: Settlements

In addition to the principle position pertaining to rejecting settlements, the proposals tried to engage in details that confirm the US saying at the beginning of the Madrid Conference that settlements are illegitimate and constitute an obstacle in the path of peace. If we realize that most of the settlements were constructed or expanded during the reign of Clinton's sponsorship of the peace process, we conclude that he was with the Zionist Dennis Ross planning what they are offering now, which adds more reasons to reject the proposals:

- 35- Rejecting the using of settlements blocs as a negotiation principle according to the US proposal because they subject the most vital Palestinian interests, mainly the geographic continuity of the Palestinian state and control over the Palestinian natural resources, to the Israeli greedy interests.
- 36- The principles inside these proposals oppose each other since the principle of annexing the settlements contradicts with the principle of reducing the impact of this on the Palestinian land and the Palestinian people.
- 37- The proposals demand the Palestinian approval to the violation of international legitimacy resolutions which means legitimizing the process of settlements that constitute a dangerous cancer in the Palestinian body on land and people.

Seventh: Security

The Israelis and the Americans understand that security achieves peace. Therefore, the US proposals within this context transforms the land for peace principle into security for peace formula and sometimes security

for security and that the most important point for them is to make the land absent from any formula. There are new reasons for rejecting the US proposals because of the security aspect of these proposals:

- 38- The proposals stipulate that withdrawal takes place within a period of three years and handing over to international troops is to be done gradually and that Israeli military presence in the Jordan Valley remains for three more years. These proposals seem to be suggested to be rejected. They give the justification not to replace the Israeli occupation through a compound occupation with international troops and cancel the eastern borders of the state of Palestine. It is natural based on the capacity of Israel, which withdrew in a matter of a few hours from South Lebanon, can make the withdrawal within one month and not years.
- 39- The US proposes that Israel should have three early-warning stations and bases for weapons warehouses for ten years, in addition to its right to deploy its troops in the Palestinian lands during an emergency state to be defined by Israel; they want us to be occupied psychologically forever, which is the worst level of an autonomy.
- 40- The proposals give the Palestinian people a state with sovereignty but without arms, which means a state with a violated sovereignty, which cannot be accepted by any sane human being; the Palestinian people realize that the Israeli arson did not stop the Palestinian people from moving in their revolution and Intifada. However, seeking peace must carry with it the meanings of justice, respect, freedom and not subordination.
- 41- The proposals demand arrangements through which the state of Palestine accepts the violation of its air space under the title of Israel's needs in the area of training and operations, which violates blatantly and complicates the relation between the Palestinian state and the neighboring Arab countries.
- 42- The peace imposed through these proposals does not guarantee ending the conflict but will escalate it in the future since the outstanding issues between the aspired Palestinian state and Israel will appear very clearly, especially on the issues of water, environment and the future economic relations, which cannot be stable under these proposals.
- 43- The proposal to end the conflict in the region as soon as the Palestinian leadership accepts Clinton's proposals is the biggest trick because accepting these proposals after the above-mentioned reasons means moving the conflict into an internal Palestinian-Palestinian conflict that will destroy the Intifada and into an Arab-Palestinian conflict; this reveals that the golden opportunity that Clinton offers in the overtime of his term as president is nothing but a poisonous opportunity and what is most dangerous about it is to find people who can deal with them because these proposals will be the grounds for the new US administration. Therefore, the rejection must be clear and honest.
- 44- Ending the conflict in the region is an Arab-Palestinian cause and cannot be done through an imposed deal because it is rejected by our people and by our Arab and Islamic nation. Ending the conflict requires reaching a comprehensive peace in the region where the peace process becomes mature enough with its accepted goals achieved on all Syrian and Lebanese tracks alongside the Palestinian track. All the above-mentioned reasons that aim to reject surrendering and rejecting the stopping of the Intifada can be summarized in one reason. If the new US administration decides to play an important role in a comprehensive and just peace in the region, it must abide by the implementing of the international legitimacy resolutions.

The basic matter regarding all the complexities is that President Clinton did not honor his commitment and his signature to achieve a just peace based on international legitimacy resolutions. We only demand the implementation of these resolutions. This makes us all say in Fateh Movement that we will not accept any proposals that violate international legitimacy resolutions which are in favor of our cause under the title of escaping and surviving the war threats of Clinton and Barak. The continuing Intifada with the will and determination of our people will have the answer for the future.



12. Stalemate in the Middle East Peace Negotiations: (Post-Taba Talks – October 2002)

ISRAELI PRIME MINISTER EHUD BARAK, DECISION TO SUSPEND DIPLOMATIC CONTACTS WITH THE PALESTINIAN AUTHORITY, JERUSALEM, 28 JANUARY 2001

[The decision came after PA Pres. Arafat denounced Israel's "fascist" military actions in an address to the World Economic Forum in Davos the same day.]

Prime Minister Ehud Barak has decided today (Sunday), 28 January, 2001, not to continue the diplomatic contacts with Palestinian Authority Chairman Yasser Arafat and his people until after the elections in Israel. The security contacts regarding a relaxation on the ground, the cessation of violence and counter-terrorism will continue.

The Israeli government continues to adhere to the peace process on the basis of upholding Israel's vital interests: Palestinian refugees will have no right of return to the State of Israel; the Prime Minister will not sign any document that transfers sovereignty over the Temple Mount to the Palestinians; 80% of the settlers in Judea, Samaria and Gaza [will be] in settlement blocs under Israeli sovereignty.

Prime Minister Barak announced his decision to Swedish Prime Minister Goran Persson and UN Secretary-General Kofi Annan.



WORLD COUNCIL OF CHURCHES, CENTRAL COMMITTEE, REPORT OF THE PUBLIC ISSUES COMMITTEE, POTSDAM, GERMANY, 29 JANUARY-6 FEBRUARY 2001 [EXCERPTS]

[...] Minute on the Situation in the Holy Land after the Outbreak of the Second Palestinian Uprising
In an appeal on November 9, 2000 all thirteen Eastern and Oriental Orthodox, Catholic and Protestant Churches of Jerusalem, expressed their conviction that:

The Church believes that it is the right as much as duty of an occupied people to struggle against injustice in order to gain freedom, although it also believes that non-violent means of struggle remain stronger and far more efficient. In this sense, both parties must show the necessary fortitude, both in their hearts and in their minds, to look at the core of the conflict so that the Palestinian people can gain at long last its full freedom within its own sustainable state. It is imperative now to implement principles of international legitimacy by enforcing the binding UN resolutions. Such fortitude is a wise sign of foresight and an indispensable prerequisite for long-lasting peace. (Excerpt from "A Faithful Appeal,")

The Central Committee expresses its deep sadness and grave concern at the new escalation of violence in the Palestinian autonomous and occupied territories as well as Israel over the last four months that has claimed a terrible toll of human life, especially among Palestinian children and youth. It extends its consolation to all the afflicted and the bereaved and assures the Heads of Churches and Christian communities of Jerusalem of its constant prayers and solidarity, as they bear in their hearts and minds the pain of their communities and of all those Palestinians and Israelis who are suffering the consequences of this conflict.

We share the frustration and disappointments of our Palestinian sisters and brothers. We are deeply disturbed by and deplore a pattern of discrimination, routine humiliation, segregation and exclusion which restricts Palestinian freedom of movement, including access to the holy sites, and the disproportionate use of military force by Israel, the denial of access to timely medical assistance, the destruction of property, including tens of thousands of olive trees, and which requires special permission for Palestinians to enter areas under Israeli jurisdiction and establishes "cantonization" of the land, so that Palestinian land is separated from one another - a pattern so very reminiscent of policies that the WCC has condemned in the past.

We therefore urge the member churches of the WCC to increase their efforts to condemn injustice and all forms of discrimination, to end Israeli occupation, to pray for and promote a comprehensive and just peace in the Middle East. To help inform and strengthen those efforts, we commend to the churches the background information presented to this meeting for their study and urgent action.

We call upon the General Secretary and staff of the Council to:

- continue their support of efforts towards a negotiated peace in the Middle East based on international law, paying special attention to the future status of Jerusalem, the right of return of Palestinian refugees, the increasing number of settlements and measures to enforce all relevant United Nations resolutions, including those regarding the withdrawal from all occupied territories - the Palestinian occupied territories, the Golan Heights and Shaba'a;
- continue to analyze and to keep the member churches regularly informed on the evolving situation;
- accompany the churches of the Holy Land and their members, and advocate their rights;
- support local Israeli and Palestinian grassroots peacebuilding efforts; and
- promote and/or cooperate with church, ecumenical and other initiatives, to strengthen broad international support for a comprehensive peace based on justice and security for all the peoples of the region.



EUROPEAN UNION PRESIDENCY, DECLARATION ON THE ELECTIONS IN ISRAEL, 7 FEBRUARY 2001

The Presidency of the European Union congratulates Mr Ariel Sharon on his victory in the election for Prime Minister of the State of Israel and looks forward to continue contributing to the attainment of a just and lasting peace in the region.

It is the hope of the Union that Mr Sharon as Prime Minister will keep the momentum of the peace process and the peace dialogue according to the wish of all parties concerned. Reflecting its strong commitment as a neighbour to building stability and prosperity throughout the region, the European Union stands ready to assist the parties in their endeavours to reach a peace agreement as well as in its subsequent implementation.

On the Israeli-Palestinian track, the European Union understands that much ground already has been covered in open and frank negotiations between the Israeli Government and the Palestinian Authority. The European Union is convinced that the progress made on all major issues during the last negotiations should form the basis for future talks on the permanent status. The Union also looks forward to a prompt resumption of the negotiations between Israel on the one hand, Syria and Lebanon on the other hand.

The European Union reaffirms its view that the basis of negotiations, and of a just and lasting peace, must be Security Council Resolutions 242 and 338 and other relevant UN resolutions, including the inadmissibility of acquisition of territory by war, the need for every State in the area to be able to live in security, and the principle of land for peace.

The European Union calls upon the Parties to reaffirm their commitments to the basic principles established within the framework of Madrid, Oslo and subsequent agreements, in accordance with the Resolutions 242 and 338.



**EUROPEAN UNION PRESIDENCY, STATEMENT ON
EXTRAJUDICIAL KILLINGS, 13 FEBRUARY 2001**

The European Union deplores the practice of so-called eliminations or extrajudicial killings of Palestinians carried out by Israeli security forces. On 21 January 2001, a démarche reflecting this concern was made to the Israeli Foreign Ministry. The existence of such a policy was later confirmed by the Israeli side. On 13 February, a new extrajudicial killing was carried out in Gaza.

The European Union reiterates its strongly held opinion that Israel's policy in this regard is unacceptable and contrary to the rule of law. The European Union urges Israel to cease this practice and thus respect international law.

The European Union believes that extrajudicial killings are an obstacle to peace and could provoke further violence.

The European Union reiterates its deep concern about the chain of violent events during the last months and holds that it is the responsibility of the Israeli as well as of the Palestinian authorities to do their utmost to prevent actions resulting in new victims.



DRAFT OF THE PALESTINIAN CONSTITUTION, 14 FEBRUARY 2001

[This draft is the work of the Palestinian Constitution Committee that was established by Pres. Yasser Arafat in Nov. 1999 and chaired by Min. Nabil Sha'ath. The Committee's mandate and efforts were repeatedly endorsed by the PLO Central Council during 2000.]

CHAPTER ONE: FOUNDATIONS OF THE STATE AND RIGHTS AND DUTIES

Section One: General Foundations of the State

Article 1: This constitution is based on the will of the Arab Palestinian people. It shall be approved democratically.

Article 2: The Arab Palestinian people believe in the principles of justice, liberty, equality, human dignity, and their right to practice self-determination and sovereignty over their land.

Article 3: The Palestinian people are a part of the Arab and Islamic nations.

Article 4: Palestine is an independent state with complete sovereignty that cannot be conceded. Its system shall be republican and its lands are unitary and indivisible.

Article 5: Arabic shall be the official language.

Article 6: Islam shall be the official religion of the state. The monotheistic religions shall be respected.

Article 7: The principles of the Islamic Shari`a are a primary source for legislation. The legislative branch shall determine personal status law under the authority of the monotheistic religions according to their denominations, in keeping with the provisions of the constitution and the preservation of unity, stability, and advancement of the Palestinian people.

Article 8: Jerusalem shall be the capital of Palestine and its seat of government.

Article 9: Palestine's flag, motto, seals, emblems, and national anthem shall be determined by law.

Article 10: Sovereignty belongs to the Palestinian Arab people. Its prerogatives shall be exercised by the people directly, by means of elected representatives, by referendum, and through their constitutional institutions.

Article 11: The Palestinian political system shall be a representative democracy based on political pluralism. It shall guarantee the rights and freedoms of minorities without discrimination in their rights and obligations. It shall guarantee their protection and their respect for legitimacy in that which insures the supreme interests of the Palestinian people and their national unity.

Article 12: The institutionalized authority of the Palestinian people shall be exercised in order to realize the general welfare and defend public and individual rights and freedoms.

Article 13: The legal character of the Arab Palestinian people shall be embodied in the state. The state is a symbol of national unity. It shall safeguard respect for the constitution and preserve independence, unity, territorial integrity, and the orderly proceedings of government in adherence with constitutional provisions.

Article 14: The rule of law and justice shall be the basis of governance, the motivation for the work of governing authorities, and the protector of the rights of the people and their democratic values.

Article 15: The provisions of the Constitution and the laws issued in accordance thereof apply to all individuals and governmental institutions. No suspension of these provisions shall be allowed.

Article 16: The state of emergency shall be regulated by the provisions stated in the constitution. During it, the work of the government must be in application of the text of the law.

Article 17: No legal or material activity of state agencies may be made immune. All actions of governmental authorities shall be subject to legal and judicial review. In all circumstances, the state shall remain responsible to compensate for damages, errors, and dangers resulting from measures and actions of state employees.

Article 18: Individuals and public authorities must respect the judicial rulings. Violation of the dignity of the judiciary shall be punishable by law.

Article 19: International conventions and treaties which the state of Palestine signs or joins shall become a part of the Palestinian legal order after they have been adopted by law and have the status of normal legislation. The principles of customary international law shall be considered a part of the legal order insofar as they do not contradict the stipulations of the constitution or the law in force.

Article 20: Natural resources in Palestine are the property of the Palestinian people. They shall exercise their sovereignty over them and do not permit their monopolization. The state shall preserve the historical rights of the Palestinian people to them as they have been established in the rules and principles of international law. Their exploitation shall be governed by law.

Article 21: The economic order in Palestine shall be established on the basis of free market principles. The law shall regulate its supervision in order to protect free economic activity and to preserve the rights of groups in need of care. The state may establish public companies regulated by law.

Article 22: The state shall strive to realize the social, economic, and cultural development of the Palestinian people on the basis of social justice.

Article 23: A clean and sustainable environment is a human right. It shall be a societal and official responsibility to preserve and protect the Palestinian environment for present and future generations.

Section Two: Rights and Duties

Article 24: Palestinians shall be equal before the law. They shall enjoy rights and incur duties equally without discrimination for any cause except those constitutionally legitimated

Article 25: Palestinian citizenship is secure and permanent for any Arab who lived in Palestine before May 1948. It is transmitted from father to child. It endures and is not cancelled by the passage of time. The law shall determine the ways of gaining and losing it and the rights and duties of multinational citizens.

Article 26: The constitution guarantees the civil, political, social, cultural, and economic rights and freedoms of all citizens, which they enjoy on the basis of equality and equal opportunity.

Article 27: Human rights and basic freedoms according to international laws, charters, and treaties that become part of domestic law are binding and must be respected.

Article 28: Every person has the right to life and to the protection of his rights, freedoms, and well being in accordance with the provisions of the constitution, the laws issued in application thereof, and the principles of justice.

Article 29: Life shall not be subject to scientific or medical experimentation. No one shall be subject to medical treatment without his consent. Exceptional circumstances shall be regulated by law. Organ transplants and other innovations of scientific progress for legitimate humanitarian purposes shall be regulated by law.

Article 30: People have the right of protection from injury, harsh treatment, and subjugation to torture or inhumane and undignified punishment.

Article 31: The constitution guarantees to every citizen freedom of residency and movement within the state, abroad, and returning to it.

Article 32: The right of the Palestinian refugee to return to his home and the original home of his ancestors is a natural right which cannot expire. Its exercise may not be delegated nor surrendered.

Article 33: Exiling Palestinians from their homeland or denying them the ability to return is prohibited. Neither may they be extradited to a foreign country except according to a treaty approved by the legislative branch.

Article 34: No Palestinian may be extradited for political crimes.

Article 35: No political refugee may be extradited.

Article 36: No person may be deprived of legal competence, citizenship, or reputation for political reasons.

Article 37: Personal security is guaranteed by the constitution. No one may be arrested, searched, detained, or restricted in his freedom in any way except by a judicial order applying the provisions of the law. The law shall define the conditions of provisional detention.

Article 38: The accused may not be subject to any coercion or torture. The accused must be treated as innocent until his guilt has been proven in a fair trial granting him the guarantees of self-defense and the assistance of an attorney.

Article 39: A convict deprived of his freedom must be treated humanely and appropriately. Arbitrariness in execution shall be punishable by law.

Article 40: There shall be neither crime nor punishment except as stipulated by law. There shall be no punishment except for deeds committed after a law comes into effect. In non-criminal matters, it may be stipulated otherwise in a law that is approved by a majority of all the members of the Legislative Council.

Article 41: Laws passed by the Legislative Council shall be published in the Official Gazette within one month of their being passed. In accordance with the provisions of Article 137, they become effective after one month from the day following their submission for publication unless another date is set forth by law.

Article 42: Punishment is individual; collective punishment is forbidden.

Article 43: The right of all to litigation shall be guaranteed by the state. Each individual shall have the right to resort to his natural judge to defend his rights and freedoms and to obtain compensation for their injury. No public or private person shall have immunity from appearing before the judiciary. Trial procedures for exceptional instances shall be regulated by law in accordance with the provisions of the constitution.

Article 44: The freedom to practice religion and arrive to places of worship shall be guaranteed insofar as it does not disturb the public order or defame monotheistic religion.

Article 45: Residences shall be inviolable. Search and entry shall not be permitted except according to judicial order given for cause, during the day, and in accordance with the provisions of law.

Article 46: Freedom of thought and expression, in speech or writing or other means, shall be guaranteed. The law shall regulate it to guarantee the equal respect for the rights of others.

Article 47: Freedom of the press, printing, publishing, and media shall be protected by the constitution. It is not permitted to suspend them except by judicial decision in application of the law. It is not permitted to subject them to censorship. The law regulating these shall guarantee their integrity, the expression of different opinions, encourage scientific, artistic, and literary creativity, and guarantee the freedom of academic opinion.

Article 48: The constitution shall protect the confidentiality and freedom of correspondence and communication. They may not be infringed except in circumstances defined by law.

Article 49: Public property shall be regulated by law in order to protect it and so that it serves the interest of the people. The administration of Waqf funds shall be regulated by law. Private property is protected. It shall be disposed of in a manner that does not conflict with the public interest. It may not be seized or appropriated except for the public benefit, by virtue of law, and in return for just compensation. It may not be confiscated except by judicial decision. Public confiscation of the right of ownership shall be forbidden.

Article 50: The law shall regulate the conditions of transfer of ownership of real estate to foreigners.

Article 51: The state shall protect the private economic activity of individuals in order to realize economic growth and social justice.

Article 52: Each citizen has the right to work. The constitution shall guarantee the freedom to form work-related associations.

Article 53: Slave labor shall be prohibited. The law shall regulate compulsory labor in cases of executing judicial decisions.

Article 54: The right to protest and strike shall be exercised in a way that does not violate the law. Strikes are forbidden in the army and police sectors. The law shall regulate the relations of work in order to guarantee justice for all parties and provide for the protection and security of workers.

Article 55: Every Palestinian has equal right to public positions on the basis of merit and aptitude, in accordance with the law regulating public employment.

Article 56: The state shall guarantee social insurance services, pensions for the disabled and aged, care for the families of martyrs and prisoners and orphans, and care for those wounded and injured in the national struggle. This shall be done to guarantee them training, education, and health and social insurance.

Article 57: The state shall guarantee health insurance as an individual right and a public interest. It shall guarantee basic health care for those financially unable.

Article 58: Education has freedom provided it does not disturb the public order and decency or offend the monotheistic religions. It is a right of every citizen and is supervised by the state. The state shall guarantee education until the secondary level. It is compulsory until the end of the tenth grade.

Article 59: Private education has freedom provided it does not violate the public order and public decency or offend the monotheistic religions. The law shall regulate the supervision of the state over its organization and curricula.

Article 60: The state shall provide assistance to students who are financially unable. It shall support the outstanding.

Article 61: The constitution shall protect the independence of institutions with scientific goals and universities in a manner defined by law in order to guarantee the freedom of scientific research and encourage it.

Article 62: The state and the society shall protect motherhood and childhood. The rights of the child, the mother, and the family shall be regulated by law.

Article 63: Women are the full sisters of m. They have rights and duties as guaranteed by the Shari`a and established in law.

Article 64: Each citizen has public, civil, and political rights and freedoms, which shall be guaranteed by the constitution and regulated by law. Specifically, he has the following rights:

1. Direct participation in political life.
2. The right to election and nomination in representation of the people
3. The right to contribute to political activities, form or join a political party, adopt the platform of a legally established party, idea, or political choices and support them peacefully.
4. The freedom to gather and demonstrate with others peacefully and without weapons.
5. The freedom to form public associations according to the legal procedures.
6. The right to present petitions and complaints.

Article 65: The suspension of any right or freedom among the rights and freedoms is not permitted in any circumstance. The law shall regulate the rights and freedoms that may be restricted temporarily in exceptional circumstances.

Article 66: Any violation of the basic rights and freedoms of the individual guaranteed by the constitution shall be crime for which the resulting civil and criminal lawsuits shall have no statute of limitations.

CHAPTER TWO: THE BRANCHES OF GOVERNMENT

Article 67: The Arab Palestinian people are the source of authorities. They shall exercise them through the branches of government in the state of Palestine as defined in the constitution, guaranteeing the participation of the Palestinian refugees living abroad in designing national public policies.

Article 68: The exercise of the public authorities of the people in the state of Palestine shall be invested in three branches. The legislative authority shall be invested in a parliament in which the representation of the Palestinians in the state of Palestine and the refugees abroad shall be safeguarded in the manner defined in the constitution. The judicial authority shall be invested in the courts, which are regulated by the constitution and the law of the judicial authority.

Article 69: The relationship among the three branches shall be established on the basis of relative separation with cooperation and mutual oversight among them. None of the branches of government shall have jurisdiction not granted it by the provisions of the constitution.

Section One: The Legislative Branch

Article 70: A parliament shall exercise the legislative authority of the Palestinian people in the matter defined in the constitution. It shall consist of two councils:

1. The Legislative Council, composed of 150 representatives of the Palestinian people in the state of Palestine; it alone shall be entrusted with the legislative and oversight role in the state. It shall be elected in accordance with the provisions of the Palestinian election law.
2. The National Council, composed of 150 representatives of the Palestinian refugees abroad. It shall be formed to protect the guarantee of justice in representation and share with the Legislative Council in legislating laws connected with general national rights. The members of the National Council shall be chosen according to the election system of the National Council until it is amended.

Article 71: The term of membership for the two councils of parliament shall be five years.

Article 72: The President of the state calls for elections for the two councils of parliament at the times determined as regulated by law.

Article 73: The seat of the parliament shall be the city of Jerusalem. Either Council may decide to hold its sessions in other places.

Article 74: The President of the State may not dissolve either of the two Councils.

Article 75: The president may, if disagreement between the executive and legislative branch become grave, reformulate the cabinet or, in solidarity with the government, summon the people to a referendum on dissolving the Legislative Council. This will be considered solidarity with the government. If a majority of those participating in the referendum support the dissolution of the Council it is considered

dissolved. The President shall call for conducting elections for the new Council within thirty days of the announcement of the result of the referendum. If the referendum does not decide in favor of dissolution, the president and the government are considered to have resigned. Elections for the new president shall be held within thirty days from the results of the referendum. The president elected shall undertake the formation of the new ministry according to the provisions of the constitution and the election law. The Legislative Council whose dissolution had been requested shall reconvene by the power of the constitution. The former Cabinet continues to administer executive authority until a new Cabinet is formed.

Article 76: The president of the state may not call for a referendum on dissolving parliament or suspend it during the period of the announcement of a state of emergency or after a motion to censure of the government has been introduced. No request for the dissolution of the Council may take place before one year has passed since its election.

Article 77: The members of parliament swear the legal oath before exercising their duties.

Article 78: Members of parliament may not hold public employment except for membership in the cabinet during their term representing the people. Representation of the people may not be a source of wealth nor a means of serving private interests.

Article 79: Each member of parliament, during the first month of his first term of membership, must present a statement of personal finances for him, his spouse, and his minor children of what they own inside Palestine and abroad. The statement will be held in sealed and secret envelope at the High Court. It is not permitted to view it except by an order from the court, based on a decision from the Council (Legislative or National) where the member sits.

Article 80: The financial remuneration and benefits granted to the member of parliament shall be according to law. No amendments are allowed except for the members of the parliament elected after the amended law.

Article 81: Each Council of the two councils of the parliament shall elect in its first meeting a speaker, two deputy speakers, and a secretary-general. They shall form the speaker's body for the council. None of them may assume a ministry or any governmental position. A speaker's body shall be elected at the beginning of each annual session.

Article 82: The Speakers of the National and Legislative Councils shall alternate in presiding over joint sessions of parliament.

Article 83: If the position of one or more member of the parliament becomes vacant due to death, resignation, or loss of competence at least six months before the end of the council's term, the seat is filled by whomever followed him in the voting in his district if he is available; otherwise, a successor is elected in the district within one month of the seat becoming vacant.

Article 84: Each Council of parliament shall transfer any challenge to the validity of the representation of any of its members to the Constitutional Court for decision according to the governing law.

Article 85: The law shall define the circumstances under which a representative loses his qualification to serve and the conditions for abrogation of membership.

Article 86: Each of the two Councils of parliament shall decide concerning requests for resignation. The situations in which the parliament accepts the resignation or dismissal of one of its members shall be regulated by law.

Article 87: Each of the two Councils of Parliament shall establish its bylaws to organize its procedures in the execution of legislative and oversight duties and the procedures and rules for questioning its members within the confines of their competencies and without violating the provisions of the constitution.

Article 88: Each of the two Councils of parliament shall preserve its security and order during its sessions and committee meetings. For this purpose, it may have its own special police under the command of its speaker. Security officers in the various agencies shall not be present inside except in accordance with his request.

Article 89: The Legislative Council shall convene by summons from its speaker each year in two ordinary sessions. The first shall begin // and end //. The second shall begin // and end //.

Article 90: The president of the state, in consultation with the speaker of each of the two Councils of parliament, may summon a joint session. A decision from the speakers of both Councils of the parliament may summon a joint session.

Article 91: The sessions of either of the two Councils of parliament shall not be considered legal if two thirds of all the members of the Council are not present at its opening. The session will remain legal so long as an absolute majority of its members remains present. Decisions shall be taken by a majority vote of those present, except in cases when a special majority is stipulated. A member not present may not cast a ballot or vote by proxy.

Article 92: No meeting of either of the two Councils of parliament is legitimate except with the attendance of the speaker or one of his deputies. Sessions shall be public. The Council may decide to hold a secret session and repeat the public discussion.

Article 93: The speaker of the Council or five members of the Legislative Council have the right to suggest a draft law within the sphere of the Council's jurisdiction. The bylaws of each Council shall regulate the legislative proceedings in this regard.

Article 94: Voting on basic laws or on confidence in the ministry shall be orally by roll call or by counting votes in the case of secret ballots.

Article 95: Any proposal that does not obtain the approval of the required majority may not be submitted for discussion in the same session.

Article 96: The parliament shall discuss the general policy of the government in a joint session and vote confidence in it in a joint session.

Article 97: Each member of the Legislative Council may direct questions or request clarifications from ministers according to the procedures set forth in the bylaws.

Article 98: Each member of the Legislative Council may direct interpellations to the government or to one of the ministers or those under their supervision. It is not permitted to discuss an interpellation before one week after its submission as long as the person being questioned declines a response or discussion in a shorter period. It is permitted to shorten the period by a decision of the Council in urgent cases.

Article 99: After interpellation, ten members of the Legislative Council who are unconvinced of the justifications presented by the person questioned may request the following:

1. Censure of the minister or the cabinet, if they are convinced that there is a violation of the general policy upon which confidence was granted.
2. Withdrawal of confidence in the minister or cabinet according to the circumstances.
3. Voting may not be held until three days at least have passed from the date of the request. Decision will be made by a majority of all members of the Legislative Council.

Article 100: A withdrawal of confidence shall result in the termination of authority of the subject of the withdrawal who must tender his resignation. If the Legislative Council approves a censure of the government, the president of the state shall accept its resignation. In this case, the ministry shall be reformulated without the individuals for whom confidence has been withdrawn in accordance with the provisions of the constitution.

Article 101: Each of the two Council of parliament may form temporary special committees or commission one of its standing committees to investigate the facts in any other issue that is public or related to the activity of any of the agencies of the executive branch. The committee reports shall be submitted to the Legislative Council to decide on the matter as it sees fit.

Article 102: With the concurrence of two thirds of its members, the Legislative Council may indict the president before the Constitutional court. Indictment of the prime minister shall be before the courts in accordance with the Trials Principles Law and with the concurrence of the majority.

Article 103: It shall be forbidden to delay the work of the legislative branch or infringe on the immunity of its members. The civil and criminal interrogation of members of parliament because of expressing opinions, stating facts, or voting in a particular way in the sessions of parliament, in its committees, or outside of parliament shall be forbidden in order to enable them to perform their representative duties.

Article 104: No member may be subject to criminal proceedings or brought to trial except after the Council he belongs to decides to lift his immunity by a majority of all the members. Unless apprehended while committing a felony, a member of parliament shall not be subject to criminal proceedings until the presidency of the Council is notified to take appropriate action as it sees fit.

Article 105: No member of parliament shall be asked to give testimony in connection with any of his actions or statements or information he obtained as a member during his term or after it, except with his consent and the prior agreement of the Council where membership is held.

Article 106: No member of parliament may relinquish immunity without prior permission from the Council to which he belongs. Immunity does not cease at the end of membership for those statements or actions covered during membership. Immunity shall not cover crimes discovered after the end of service for which the statute of limitations has not expired.

Article 107: Imposition and annulment of taxes shall be by law. Taxes and fees shall be deposited in the public treasury and disposed of by law. They shall be imposed and disposed of safeguarding equality and social justice.

Article 108: Taxation shall not be forgiven except in those cases determined by law.

Article 109: Expenditure and allocation of public funds may only take place by law.

Article 110: The contracting of external loans, granting of concessions and investments shall be pursuant to law and permitted only with the approval of the Legislative Council.

Article 111: Provisions related to preparing the budget, its approval, the disposal of deposited public funds, supplementary and development budgets, budgets of public agencies and institutions, projects in which the public sector contributes no less than fifty percent of the capital shall be regulated by law.

Article 112: The government shall submit the draft budget to the Legislative Council two months before the beginning of the fiscal year. Discussion and voting shall be conducted on the clauses and the chapters of the budget and then on the entire budget so that it may be approved or returned to the government with comments so that the requested requirements may be completed within one month. It shall then be returned to the Legislative Council for approval.

Article 113: During the discussion of the draft budget, imposition or amendment of an imposed tax or an increase in estimates of expenditures and revenues shall be forbidden.

Article 114: Transfer among chapters of the budget without the consent of the Legislative Council shall be forbidden.

Article 115: As an exception to the norm of budgeting annually, and in case of a delay over one month in approving the budget, it shall be permitted with the consent of the Council to designate specified amounts as monthly allocations at the ratio of 12:1 of the amount of the previous budget until the issuing of the new budget law.

Article 116: The final accounting of the budget must be presented to the Legislative Council within a period not more than six months from the date of the end of the fiscal year.

Section Two: The Executive Branch

Article 117: The executive branch shall assume responsibility for establishing the plans and programs necessary to carry out its duties so that they may be approved by the Legislative Council.

Article 118: The president of state shall oversee the executive branch through the council of ministers. The president of state is the head of the republic and the commander-in-chief of the armed forces.

Article 119: Combining the presidency of the state with any other position shall be prohibited.

Article 120: The president of the state shall represent it in foreign relations. His duty shall be to preserve the state and defend the rule of the constitution as the highest law.

Article 121: The president shall be directly elected by the people for a five-year term which may be renewed once. The provisions for his election shall be regulated by the electoral law.

Article 122: The elected President assumes duties immediately upon the conclusion of the predecessor's term of office.

The president shall assume his duties immediately upon the conclusion of his predecessor's term.

Article 123: The president shall swear the constitutional oath before parliament before exercising the duties of his office.

Article 124: The office of the president shall be considered vacant:

1. At the end of the elected term
2. With death
3. With resignation
4. With loss of competency based on a ruling of the Constitutional Court.

Article 125: If the Constitutional Court declares the office of the president vacant, the speaker of the Legislative Council shall temporarily assume the presidency of the state for a period not more than sixty days, during which elections for the shall be held in accordance with the electoral law. If he wishes run or if the constitutional court decides that he is legally prevented from serving, the president of the Supreme Judicial Council assumes the presidency of the state temporarily until the election of the president has been completed.

Article 126: The president of the state shall charge the council of ministers with drafting public policy. He shall oversee its implementation after the parliament has approved it.

Article 127: The president of the state shall appoint and terminate ambassadors and representatives of the state of Palestine to states and international and regional organizations. The representatives of states and international and regional organizations to Palestine shall offer their credentials to him.

Article 128: The president of the state shall appoint the prime minister who will name the ministers to the president.

Article 129: The president shall submit a financial statement of his property and that of his wife and minor children. The report shall be held by the Constitutional Court. It shall be forbidden to view it except by a decision of the Constitutional Court responding to a request from the Legislative Council.

Article 130: The remuneration of the president shall be determined by law.

Article 131: The president shall deliver a speech to the two Councils of parliament, and it is not discussed.

Article 132: The president shall present draft fiscal laws to the two Councils of Parliament.

Article 133: The following proposals shall be considered fiscal laws:

1. If the essence of the motion would impose a tax, abolish it, offer exemption, change it, or structure it.
2. A motion to regulate or guarantee a government loan or amend the law regarding any financial obligation made by or to the government.
3. A motion designating public funds.
4. A motion to amend an expenditure, increase the value of an expenditure in the public budget.

Article 134: If any question regarding the fiscal nature of a law, it shall be referred to the Constitutional Court for decision as to its character.

Article 135: The president of the state shall have the right to give special amnesty for a punishment or lessen it. General amnesty from punishment and cancellation of crime shall only be by virtue of law.

Article 136: The president of the state shall promulgate laws after approval of the Council within thirty days of their transmission to him. The president may return them to the Council that issued them for reconsideration, along with the reasons for his opposition within that period. Otherwise they shall be considered promulgated and effective from the date of their publication in the Official Gazette or after thirty days of the request of the Council that they be published in the Official Gazette.

Article 137: In the case of opposition of draft laws approved by the relevant Council within the period defined, discussion shall be resumed on the amendments. If the Council that passed the draft law approves the amendments suggested by the president, the law shall be referred to the president again for

promulgation. A law shall be considered promulgated and effective from the date of its publication in the Official Gazette or after thirty days of the request of the Council to publish it in the Gazette. The draft shall be considered void when the president objects to it and returns it to the Council if it does not receive the support of the majority of the Council.

Article 138: In consultation with the speaker of the Legislative Council, the president of the state may declare a state of emergency if the security of the country is exposed to danger of war or natural disaster threatening the well-being of the society. The emergency measures must be necessary to restore public order or the regular proceedings of the state or confront the disasters. The period may be no more than thirty days and may be renewed one time with the agreement of two-thirds of all the members of Legislative Council. The declaration shall stipulate the goal, area, and duration that it covers.

Article 139: After the declaration of a state of emergency in cases and according to terms stipulated in the constitution, the president may issue proclamations that have the force of law. They are to be presented to the Legislative Council in its first meeting after the declaration of the state of emergency or in the session to extend the declaration, whichever occurs first, which may decide as it wishes regarding the measures and actions. Otherwise they lose their legal force. If the Legislative Council does not approve them their legal effect ends from that date.

Article 140: During a state of emergency it is forbidden to impose restrictions on basic rights and freedoms except to the extent necessary to preserve the public well-being in the country. All actions are subject to judicial review to oversee the terms of the state of emergency and the legitimacy of measures taken to confront it. The competent court shall examine within a period not to exceed three days the complaints presented.

Article 141: The president shall approve treaties approved by the Legislative Council.

Article 142: Before approving a treaty that is connected with the independence of the country or its territorial integrity, the president must consult with the people in a referendum.

Article 143: The president of the state may establish advisory councils from those with qualifications, specialization, and expertise, to participate in giving opinions and to benefit from national capabilities.

Article 144: The president of state may not be held accountable for actions taken and borne by each minister acting within his jurisdiction except for violation of the constitution or high treason.

Article 145: A request to indict the president may not be issued except at the request of a third of the members of the Legislative Council. A bill of indictment may not be issued except by a majority of two-thirds of the members present. Immediately after an indictment is issued, the president shall cease performing his duties. The trial shall be before the Constitutional Court.

Article 146: The Council of Ministers shall be composed of a prime minister and a number of ministers determined by law. The decree of formation shall name and designate the ministry for each minister. The prime minister shall undertake the formation of the ministry after he is named by the president of the state.

Article 147: The prime minister shall present the proposed government and its political program to the president of the state in preparation for presenting it to the Legislative Council to obtain confidence.

Article 148: A prime minister and ministers who do not obtain the confidence of the Council in the following session must be substituted within two weeks of the date of the first session.

Article 149: The prime minister and ministers swear the constitutional oath before the president. The prime minister and the ministers are individually and collectively responsible to the president and the Legislative Council.

Article 150: The prime minister and the ministers shall undertake, within the sphere of their jurisdiction, to apply the public policies of the state, execute the laws and regulations, and exercise its authority in the manner indicated by the constitution and the law organizing the executive branch.

Article 151: In cooperation with the president, the council of ministers shall have competencies as follows:

1. Designing public policy within the bounds of its competence and in light of the ministerial program as approved.
2. Implementing public policy as established.
3. Preparing the draft public budget to be presented (to the Legislative Council) to the parliament for approval.
4. Organizing, governing, and supervising the offices, agencies, and institutions of the state at their various levels.
5. Executing laws and regulations and safeguarding compliance with them.
6. Overseeing and supervising the work of the ministries, offices, industries, and agencies.
7. Discussing proposals and plans of each ministry as well as its policies in the field of execution of its competencies.
8. Establishing the organization of administrative formations to present them to the Legislative Council for approval.
9. The council of ministers shall prepare and issue the organizational decrees and regulations necessary for the procedures of executing the implementation of the laws.
10. Any other competencies granted by virtue of the provisions of the constitution or the law.

Article 152: The Prime Minister shall exercise the following powers:

1. Chairing the council of ministers
2. Representing the council before the president and other branches of government
3. Exercising vigilance over the implementation of laws and regulations
4. Signing executive and organizational decrees
5. Exercising vigilance on the proper administration of the state
6. Coordinating governmental work
7. Proposing draft laws
8. Chairing the council of ministers except for those meetings where the president is present.

Article 153: The government shall submit a statement of public policy to the Legislative Council at the beginning of the yearly term for discussion and approval.

Article 154: Each minister shall have competence, within the sphere of the ministry he is entrusted, over:

1. Proposing public policy for the ministry and overseeing implementation after its approval.
2. Overseeing the course of work in the ministry and issuing the necessary directives for the performance of its task.
3. Submitting to the council of ministers proposed laws related to the ministry.
4. Implementing the public budget within his ministry according to the allocations approved for his ministry.
5. Delegating some of his administrative authority to the deputy minister or other senior officials in his ministry in accordance with law.
6. Chairing the administrative apparatus of his ministry.
7. Supervising the implementation of laws and regulations related to his ministry.
8. Any authorities legally granted him.

Article 155: The prime minister and the ministry may not combine the ministry with any other work. A minister may not use information gained by virtue of work, directly or indirectly, in realizing material benefit for himself or for any other person, in violation of the law.

Article 156: Ministers shall receive monthly compensation and pension as established by law.

Article 157: The prime minister and the ministers shall submit within a month of receiving confidence a financial statement for them, their spouses, and their minor children. The statements will be kept by the Constitutional Court. They may not be viewed except by permission of the Court pursuant to a request of the president of the state, the speaker of the legislative council, or the attorney general.

Article 158: The president of the state, one third of the members of the Legislative Council, or the attorney general may refer ministers for investigation for crimes they may have committed during or because of their performance of their functions.

Article 159: A minister shall cease performance of his duties when referred for investigation until the matter is decided. The attorney general or his representative shall be entrusted with the procedures of investigation and indictment. The trial shall be held before the legally competent court. The end of his service or resignation shall not prevent legal action from being taken or continued against him.

Article 160: The government shall be reformed after each legislative election, presidential dismissal, or resignation of the ministry, or the death, resignation or loss of competence of the prime minister.

Article 161: The previous ministry shall continue directing the governmental affairs until the new ministry assumes its duties after it receives the confidence of the Legislative Council.

Article 162: The council of ministers shall meet regularly at the invitation of the president or the prime minister and exercise its competencies according to the provisions of the constitution, law, and regulations regulating the work of the government.

Article 163: The government shall be considered to have resigned:

1. when the ministry is dismissed
2. when the prime minister resigned, is dismissed, or dies
3. when one-third of the council of ministers has resigned or when the government resigns
4. when it loses the confidence of the Legislative Council
5. at the beginning of a new term of the Legislative Council.

Article 164: The formation, work, and command of the agencies and administration of the security forces and any other forces shall be regulated by law.

Article 165: The relationship between the government and local units shall be regulated by law through administrative decentralization.

Article 166: The units of local government shall enjoy legal personality. Their council shall be elected according to law and each unit shall perform its legal competencies and authorities.

Article 167: Civil service and the affairs of those who work in it shall be regulated by law which shall define the principles of the matters of public employment, including appointment, salaries, promotions, and retirement.

Article 168: A bureau shall be established by law for fiscal and administrative oversight on the centralized and decentralized offices and agencies of the state. The head of the bureau shall initiate criminal cases on violators.

Article 169: The Oversight Bureau shall present an annual report to the president of the state and to the parliament on its work, comments, and suggestions.

Article 170: The chief of the Fiscal and Administrative Oversight Bureau shall be appointed by a decree by the president of the state after nomination by the Legislative Council.

Section Three: The Judicial Branch

Article 171: Judicial authority shall be assumed by the courts under the supervision of the Supreme Judicial Council.

Article 172: The judiciary shall be independent. It shall be the responsibility of the courts, whose varieties, levels, jurisdictions, and conditions for appointment of their judges shall be regulated by law. Care shall be taken to prevent dismissal of judges except in cases defined by law and in a manner that guarantees the independence of the judiciary.

Article 173: A Shari'a judicial council shall be established. The law shall define the manner of its formation and its competence.

Article 174: The regular courts shall be entrusted with ruling in all disputes and crimes. Exceptional courts may not be formed.

Article 175: A court may not abstain from ruling on a case within its jurisdiction. A court may not decide in a case not within its jurisdiction according to the law by which it is regulated.

Article 176: Court sessions are public unless the court decides they shall be closed for reasons:

1. related to public order or morals
2. pursuant to a request by the opposing parties.

In all circumstances, the judgment shall be pronounced in public session.

Article 177: Judicial judgments shall be issued according to law. They shall be announced and executed in the name of God and in the name of the people.

Article 178: The crime of obstructing execution of a final judicial ruling shall be punishable by law.

Article 179: The state shall guarantee compensation for judicial error according to law. The responsibility of judges for substantial errors shall be regulated by law.

Article 180: Litigation procedures are regulated by law to guarantee justice and expeditious decisions in cases.

Article 181: Judges are independent. There is no authority over them in their judicial duties except the law. Interference in the work of the judiciary or the affairs of justice shall be considered a crime punishable by law in which charges shall have no statute of limitations.

Article 182: Appointment, transfer, seconding, promotion, and regulation of the affairs of judges shall be by law. Combining judicial work with any other profession or membership in the representative Councils or political parties shall be prohibited.

Article 183: Qualified jurists shall exercise the judicial function. They shall be chosen according to the law regulation the judicial branch. Extraordinary or special judges may not be appointed.

Article 184: Those who have taught law in colleges of law achieving the professorial rank, or attorneys who have practiced the legal profession for a period not less than twenty years may be appointed justices in the Court of Cassation and the High Administrative Court.

Article 185: The Supreme Judicial Council shall make decisions on appointments, assignments, transfers, promotions, and disciplinary measures related to judges in accordance with the law and organizing regulations.

Article 186: A judge shall swear the legal oath before the Supreme Judicial Council in the manner prescribed by the law of the judicial branch. He shall be responsible to it.

Article 187: Upon appointment, a judge shall submit a personal financial statement for himself, his spouse, and his minor children. The statements shall be kept by the Supreme Judicial Council. They may not be viewed except by with the permission of the president of the council.

Article 188: The judicial branch shall be headed by the Supreme Judicial Council, the formation and competencies of which shall be determined by law.

Article 189: Without prejudice to article 173, a court of cassation shall be constructed with jurisdiction over appeal in criminal and civil manners. Its formation and procedures for its operation shall be determined by law.

Article 190: A supreme court of justice shall be constructed to decide in administrative disputes. Its establishment, the regulation of the principles of its operation, the terms of appointment of its judges and employees, and the procedures followed before it shall be defined by law. Lower administrative courts may be established by law.

Article 191: A military court shall be established by law. It shall not decide any case outside the military sphere.

Article 192: A constitutional court shall be established by virtue of the constitution to exercise its authority independently in safeguarding the legality of the work of state institutions. It shall be composed of 9 judges with the following conditions:

1. The Legislative Council shall select three.
2. The president of the state shall select three.
3. The Supreme Judicial Council shall select three.

Their election shall be for one term of 9 years; it shall not be renewed or extended.

Article 193: The selection of judges of the Constitutional Court shall be from among legal figures who have worked in the legal professions, as judges, public prosecutors or attorneys with the condition that they have not less than twenty years of expertise in the fields of law, or from among those who taught law in the universities, provided that they have obtained professorial rank.

Article 194: The judges of the Constitutional Court elect a president for the Court for a three-year term.

Article 195: One-third of the judges of the Constitutional Court shall be replaced every three years in accordance with the law regulating the work of the Constitutional Court.

Article 196: Constitutional Court judges may not be dismissed without a judicial ruling.

Article 197: Constitutional Court judges shall enjoy the same guarantees enjoyed by deputies in the Legislative Council. They may not be tried nor may any procedures against them be taken except after obtaining the consent of the Supreme Judicial Council.

Article 198: The president of the Court and the judges in the Constitutional Court swear the legal oath in front of the president of the state, the speaker of the Legislative Council, and the president of the Supreme Judicial Council.

Article 199: A judge on the Constitutional Court may not assume any other public employment or conduct any commercial, political, or partisan activities, with the exception of academic work.

Article 200: Membership of a judge in the Constitutional Court terminates:

1. at the end of the nine-year term
2. by voluntary resignation
3. by loss of one of the conditions of assuming it
4. by death
5. by judicial conviction of a felony

A successor shall be selected within one month of the position becoming vacant by nomination of the authority that appointed the predecessor.

Article 201: The Constitutional Court shall examine the following questions, pursuant to a request from the president of the state, the speaker of the Legislative Council, or five members of the Council, or to a request from the courts, the attorney general, or someone whose constitutional rights have been violated.

1. the constitutionality of laws before they are promulgated by request of the president of the state or five members of the Legislative Council when it is raised during the period of objection to it
2. the constitutionality of laws, ordinances, and regulations whose constitutionality have been challenged before the courts
3. deciding jurisdictional disputes among the branches of government or judicial bodies
4. the constitutionality of measures of indictment of the president of the state or the Legislative Council's request to the court that it decide his loss of competence
5. the constitutionality of parties and their activities and measures dissolving and suspending them
6. the constitutionality of legislative or presidential election and the conducting of elections or public referendum on schedule
7. the constitutionality of signing treaties and the measures implementing them
8. the constitutionality of procedures of the branches of government that violate basic constitutional rights
9. any other jurisdiction constitutionally based

Article 202: The Law of the Constitutional Court shall regulate the procedures for the courts to refer constitutional challenges submitted to them when they examine them in disputes falling within their jurisdiction.

Article 203: Judicial decisions of the Constitutional Court shall be final and may not be appealed in any manner and bind all branches of government and individuals. The Law of the Constitutional Court shall regulate the procedures for the courts to refer constitutional challenges raised before them when they examine them in disputes falling within their jurisdiction.

Article 204: The Constitutional Court shall render void an unconstitutional law, regulation, or measure, or end its effectiveness in accordance with the circumstances and conditions specified in the law organizing its operation.

Article 205: The Constitutional court shall determine its own by-laws.

Article 206: Amendments of the constitutional provisions regulating the Constitutional Court, either by cancellation or additions, shall be by constitutional law adopted according to the same conditions and procedures of amending the constitution and with the agreement of two-thirds of the members of the Legislative Council.

Article 207: The Office of the Attorney General is an organ of the judicial branch governed by the Law of the Judicial Branch which must regulate the method of its formation, its competencies, and the terms of appointment, transfer, promotion, financial status and accountability of its members.

Article 208: The Attorney General shall be appointed at the head of the Office of the Attorney General by nomination of the Supreme Judicial Council and decision by the head of state, to be approved by the Legislative Council. His competencies, his assistants, and their duties shall be defined by law.

Article 209: The Office of the Attorney General shall pursue public cases in the name of the people in accordance with the provisions of law.

Article 210: The judicial police are directly subject to the judicial branch.

Article 211: The Ministry of Justice shall be entrusted with the administration of judicial facilities without infringing on the supervision of the judiciary by the Supreme Judicial Council.

Article 212: The legal profession shall be regulated by law.

CHAPTER THREE: REVISION OF THE CONSTITUTION AND CONCLUDING STATUTES

Section One: Revision of Constitutional Statutes

Article 213: At the request of the president of the state or at least one-third of the members of both Councils of parliament, a motion to review any of the provisions of this constitution for amendment or cancellation may be made, provided that the proposal does not infringe on the existence of the state, the foundations of Palestinian society, or the integrity of its territory. The motion to review the constitution shall specify the articles whose amendment or cancellation is requested and the reasons for the motion. Debate on the draft motion shall not be valid two thirds of all the members of the Legislative Council participate in the voting. The motion shall be considered adopted if it obtains an absolute majority of all the members in those cases that do not require a special majority.

Article 214: If the Legislative Council approves the motion to change the constitution, the subject of the amendment is presented to the people in a referendum. The motion to amend the constitution shall be considered approved if it obtains a simple majority of votes cast in the referendum.

Article 215: It shall be forbidden to present or initiate procedures on a draft motion to review any constitutional provision if the independence of the country or its territorial integrity is threatened by danger of interruption the course of regular governmental operations.

Article 216: The provisions for a referendum shall be regulated by law.

Section Two: Concluding Statutes:

Article 217: This constitution shall be effective from the date of the results of the referendum are declared.

Article 218: So long as they do not conflict with the provisions of this constitution, the laws, regulations, and decisions currently in force in Palestine shall remain effective until amended or cancelled by corresponding legislation in accordance with the provisions of this constitution.

Article 219: The rights and obligations connected to treaties and international agreements remain effective with the promulgation of this constitution as long as they are not changed or cancelled by corresponding legislation in accordance with the provisions of this constitution.

Article 220: All provisions are annulled which regulated the state of emergency in effect in Palestine before the effective date of this constitution, including the Mandatory Civil Defense (Emergency) Regulations of the year 1945 and its amendments.



**UN COMMISSION ON HUMAN SETTLEMENTS, RESOLUTION 18/12
ON THE ILLEGAL ISRAELI HUMAN SETTLEMENTS IN THE
OCCUPIED PALESTINIAN TERRITORIES, 16 FEBRUARY 2001**

18/12. ILLEGAL ISRAELI HUMAN SETTLEMENTS IN THE OCCUPIED PALESTINIAN TERRITORIES

The Commission on Human Settlements,

Recalling its resolutions 13/6 of 8 May 1991 and 14/9 of 5 May 1993 on housing for the Palestinian people, and its resolution 16/18 of 17 May 1997 on illegal Israeli human settlements in the occupied Palestinian territories,

Reaffirming its resolution 17/9 of 14 May 1999 on illegal Israeli human settlements in the occupied Palestinian territories,

Considering that the issue of housing for the Palestinian people and the Israeli illegal settlements in the occupied territories, including East Jerusalem, falls within the mandate of the United Nations Centre for Human Settlements (Habitat),

Recalling paragraph 25 of the Habitat Agenda, in which it is stated that alien and colonial domination and foreign occupation are destructive to human settlements and should therefore be denounced and discouraged by all States, which should cooperate to achieve the elimination of such practices,

Recalling also paragraph 204 (h) of the Habitat Agenda, which calls for consolidating the solidarity of the international community and its organizations to provide adequate shelter for all and sustainable human settlements development for people living under foreign occupation,

Taking note of General Assembly resolution 55/132 of 8 December 2000 on "Israeli settlements in the occupied Palestinian territory, including Jerusalem and the occupied Syrian Golan",

Concerned by Israel's continued illegal actions in the occupied Palestinian territories, including the building of new settlements, the expansion of existing settlements, the construction of by-pass roads, the confiscation of land and the demolition of Palestinian houses,

Gravely concerned by the deterioration and destruction caused to the Palestinian human settlements as a result of recent Israeli actions in the occupied Palestinian territories,

Regretting that the reports requested in resolutions 16/18 and 17/9 were not ready for presentation at the current session,

Taking note of the explanation presented by the Executive Director on the status of the requested comprehensive report on the housing situation in the occupied Palestinian territories, as well as the plans of the secretariat to ensure its completion.

1. *Calls upon* the Israeli authorities to implement the following measures to enable the Palestinian people in the occupied territories to ensure their housing needs;
 - (a) Provide dignified and appropriate physical conditions in their human settlements where needed;
 - (b) Put an end to the confiscation of Palestinian lands and the establishment of settlements in the occupied territories;
 - (c) Restore to their original state occupied lands that were altered before and during the recent illegal actions;
 - (d) Refrain from applying policies that prevent and hamper the issuance of building permits to the Palestinian people in the occupied territories, including East Jerusalem;
 - (e) Accept the *de jure* applicability of the Geneva Convention relative to the Protection of Civilian Persons in Times of War to the occupied Palestinian territories;
2. *Requests* with insistence that member States and all multilateral financial institutions halt all forms of assistance and support for illegal Israeli settlement facilities in the occupied Palestinian territories;
3. *Calls upon* the international donor community and all financial institutions, in coordination with the United Nations Centre for Human Settlements (Habitat), to increase financial assistance to alleviate the housing problems faced by the Palestinian people in the occupied territories;
4. *Requests* the Executive Director of the United Nations Centre for Human Settlements (Habitat) to organize a meeting on the establishment of a human settlements fund for the Palestinian people in the occupied Palestinian territories;

5. *Also requests* the Executive Director to conclude and update a comprehensive report on implementation of the present resolution, in particular regarding the housing situation in the occupied Palestinian territories and the problems posed by the Israeli illegal actions in this respect, and to present it to the Commission at its nineteenth session;
6. *Invites* the Commission to take appropriate measures at its nineteenth session in accordance with the findings of the comprehensive report.

[Adopted by 22 votes to 1, with 21 abstentions, at the 8th meeting,]



STATEMENT BY FADL NACERODIEN ON BEHALF OF AMBASSADOR DUMISANI KUMALO, PERMANENT REPRESENTATIVE OF SOUTH AFRICA TO THE UN, ON BEHALF OF THE NON-ALIGNED MOVEMENT, 15 MARCH 2001

Mr President,

I would like to congratulate Ukraine on its assumption of the Chair of the Security Council for March 2001. On behalf of the Non-Aligned Movement I would like to express our sincere appreciation to you for convening this important discussion in the Security Council. It is essential that we as the United Nations take action to address the pressing situation in Palestine.

Just last month, the UN Special Coordinator for the Middle East Peace Process, Terje Rod-Larsen, issued a report on the impact of the repressive measures on the Palestinian people. According to Mr Rod-Larsen, the Palestinian economy has suffered GDP losses of over \$900 million since the onset of the crisis, and labour income losses of over \$240 million. Based on World Bank data, the report estimates that 32% of the population is now living in poverty - a 50% increase since the onset of the crisis.

Closures, blockades, and restrictions on the movement of goods, persons, and resources imposed by Israel have resulted in the economic suffocation of the Palestinian people. By any standards these figures clearly show the devastating impact the closures have on the Palestinian economy, fuelling and fomenting dangerously high levels of frustration and violence.

The international community, much less the Security Council, cannot remain silent whilst a militarily superior occupying force violates international humanitarian law. How many more innocent lives must be lost before we take action?

The Non-Aligned Movement repeats the call on the Security Council to pass a resolution mandating the immediate deployment of a force to protect Palestinian civilians against the impact of the military campaign of the Israeli armed forces. The United Nations, and in particular the Security Council as the custodian of international peace and security, must adopt measures to bring an immediate end to the suffering of the Palestinian people.

Mr President,

The recent closure of Palestinian towns by the Israeli Defence Force, and in particular the ongoing blockade of Ramallah, has further undermined the already precarious humanitarian situation in the Occupied Territories. Palestinian civilians are not only being prevented from reaching their places of work in Israel, but they are also being denied access to essential food and medicine supplies.

Such a heavy-handed and disproportionate response by Israel constitutes an affront to the most basic rights of the Palestinian people. These actions contravene Security Council Resolution 1322, which calls upon Israel to meticulously abide by its legal obligations and responsibilities under the Fourth Geneva Convention of 1949. As members of this Council well know, the Fourth Geneva Convention expressly prohibits the collective punishment of a civilian population. The Non-Aligned Movement therefore

reiterates its call on Israel to act with restraint, and to meticulously abide by its legal obligations with respect to the Geneva Convention Relative to the Protection of Civilian Persons in Time of War.

The conference of High Contracting Parties of the Fourth Geneva Convention held in Geneva in July last year stated its readiness to reconvene should the need arise. The High Contracting Parties had, in common article 1, agreed to "undertake to respect and ensure respect for the present Convention in all circumstances." Clearly the time has come for the High Contracting Parties to meet urgently on the situation in Palestine.

Mr President,

The NAM has long affirmed that the question of Palestine constitutes the nucleus of the Middle East conflict. The achievement of the inalienable right of the Palestinian people to self-determination and to an independent State with East Jerusalem as its capital, is pivotal to the achievement of a sustained and comprehensive peace in the Middle East.

The Movement believes that peaceful negotiation is the only means of ensuring lasting peace, security and stability in the region. We urge the parties to take the required steps to ensure the cessation of hostilities, to restore calm, and adopt measures to reestablish mutual trust. It is only then that an atmosphere conducive to the resumption of negotiations, can be created.

We firmly believe that the condition of land for peace is essential if meaningful progress in the peace process is to be attained. For a durable, just and comprehensive peace, negotiation towards final status issues has to be in accordance with the relevant UN resolutions and international legitimacy.

Once more the NAM wishes to repeat our firm belief that it remains the permanent responsibility of the United Nations to stay fully engaged in the Palestinian question until a definitive solution is achieved.



ARAB LEAGUE SUMMIT, FINAL STATEMENT, AMMAN, 27-28 MARCH 2001

Final statement issued by the Arab League Council at the summit level; ordinary session No. 13 in Amman, the Hashemite Kingdom of Jordan, on 2 and 3 Muharram 1422 Hegira, corresponding to 27 and 28 March 2001:

1. In response to a kind invitation by His Majesty King Abdallah II Bin-al-Husayn, king of the Hashemite Kingdom of Jordan, and in implementation of a resolution adopted by the extraordinary Arab summit conference in Cairo on 21 and 22 October 2000 to convene the Arab League Council regularly at the summit level in an ordinary session in March every year, as of the year 2001, the Council met at the summit level in Amman, the capital of the Hashemite Kingdom of Jordan, on 27 and 28 March 2001.
2. The leaders express their great appreciation to the Hashemite Kingdom of Jordan for its care and attention and good preparation for the summit and the deep meanings contained in the opening speech by His Majesty King Abdallah II Bin-al-Husayn, president of the conference. The leaders decided to consider the speech an official summit document.
3. The leaders also express their profound thanks to His Excellency President Muhammad Husni Mubarak, president of the Arab Republic of Egypt, for the valuable efforts he exerted during his chairmanship of the extraordinary summit in October 2000.
4. The Arab leaders believe that their meeting today in Amman, in the first regular conference, constitutes a new beginning in joint Arab action, which makes it possible to adopt resolutions and initiatives required by the Arab situation and address the nation's vital issues. In line with this perspective, the leaders were unanimous in noting that restoring Arab solidarity is the basic pillar and a source of the nation's strength to safeguard its security, ward off dangers, and embody the hopes and aspirations of its sons through integration and solidarity. This conference is also a milestone

and an occasion to renew the pledge to abide by the constants and foundations of joint Arab action, respect the rules that govern inter-Arab relations, and safeguard the vital interests of Arab countries within the context of achieving Arab accord and pan-Arab security.

5. Based on the Arab League Charter and its goals and in an atmosphere of understanding, brotherhood, and frankness, the leaders studied the state of the nation and the challenges facing it, as well as the situation in the region, and made a comprehensive assessment of the regional and international circumstances. In doing this, the leaders focused on strengthening Arab solidarity, activating the institutions of joint Arab action, defending the nation's interests and rights, and safeguarding Arab national security.
6. In this context, the leaders examined the serious situation experienced by the Palestinian people as a result of the large-scale aggression, which the Israeli forces are waging against them, employing all means of repression and all types of weapons, including the internationally banned ones. This is in addition to tightening the economic siege and continuing the settlement activity and the policy of assassinations, demolition of homes, and destruction of the environment in a flagrant violation of agreements and obligations as well as international law, norms, and pacts.
7. The leaders hail with great pride the Palestinian people's steadfastness and brave intifadah in the face of the savage onslaught waged by Israel and the brutal oppression exercised by the occupation authorities. They salute the brave martyrs of the intifadah and praise the spirit of sacrifice and steadfastness shown by the Palestinian people. The Palestinian people have managed through their national leadership, relentless determination, and limitless sacrifice, to confront Israel's repressive measures and abort the de facto policy, through which the occupation authorities have tried to impose their unfair terms on the Palestinian people and negotiator by force. The leaders declare that they stand by the Palestinian people in their heroic struggle and support their brave intifadah and legitimate right to resist occupation until they achieve their just national demands, represented by their right to return, self-determination, and the establishment of an independent Palestinian state with Jerusalem as its capital.
8. The Arab leaders also hail the steadfastness of the Syrian citizens in the occupied Syrian Arab Golan Heights and their adherence to their national identity.
9. The leaders condemn Israel's continuing aggression against the Palestinian people. They also condemn Israel's massive violation of human rights, especially its collective punishment, its dismembering of the Palestinian territories, and its continued attacks on vital Palestinian installations and national institutions, which constitute war crimes as well as crimes against humanity and racist practices. All these represent a serious violation of the rules of international humanitarian law and should be confronted. As a result of all of this, these Zionist practices are still considered a form of racism. The leaders also call for a meeting of the parties to the 1949 Fourth Geneva Convention as soon as possible to adopt measures to protect the Palestinian civilians.
10. The leaders express their extreme indignation at the US use of the veto against a draft resolution at the Security Council on protecting the Palestinian people in the occupied Palestinian territories and establishing a UN observer force in these territories. They express their absolute rejection of the US justifications. This position does not at all conform with the US responsibility as a sponsor of the peace process and a permanent member of the Security Council that bears special responsibility toward safeguarding world peace and security.
11. The leaders reiterate their demand that the Security Council should assume responsibility for providing the necessary international protection for the Palestinian people under the Israeli occupation, and for forming an international force for this purpose. They ask the Security Council member states, especially the permanent ones, to take the necessary measures to implement this.
12. The leaders call on the Security Council to try the Israeli war criminals who committed massacres and crimes against Arab citizens inside and outside all the occupied territories, especially in light of what was contained in the report submitted by Mrs. Mary Robinson, the UN high commissioner on human rights.
13. The leaders welcome the decision of the higher board of Al-Aqsa Fund and the Jerusalem Intifadah Fund to urgently support the budget of the Palestinian National Authority by disbursing \$15 million of the approved \$60-million soft loan, based on a proposal by the Kingdom of Saudi Arabia. Considering the difficult financial and economic conditions experienced by the Palestinian people, the leaders commission the higher board of the two funds to respond favorably to the

PNA request to disburse the additional required sum of \$180 million to support the Authority's budget over the next six months.

The leaders also welcome Iraq's decision to allocate 1 billion euros of its oil export sales in accordance with the Memorandum of Understanding to meet the Palestinian people's food, medicine, and other basic needs, and support the families of the intifadah martyrs. This responds to a pan-Arab demand to support the Palestinian people's steadfastness and their blessed intifadah. They request the Arab permanent UN representatives to follow up on this subject and facilitate the Iraqi request at the UN Security Council.

14. The leaders reaffirm their adherence to Security Council resolutions concerning the City of Jerusalem, especially Resolutions 252 (1968), 267 (1969), 465 (1980), and 478 (1980), which consider null and void all Israeli measures to change the features of this city, and call on world countries not to transfer their embassies to Jerusalem. In this respect, the leaders renew their emphasis on the resolutions adopted by the 1980 Arab summit in Amman, the 1990 summit in Baghdad, and the 2000 summit in Cairo, which call for severing all ties with states that transfer their embassies to Jerusalem or recognize Jerusalem as the capital of Israel.
15. The leaders reaffirm their adherence to a comprehensive, just, and lasting peace in the Middle East, based on international legitimacy resolutions and the land-for-peace principle in a manner that ensures the legitimate Arab rights and realizes security and stability in the region.
16. The Arab leaders warn of the consequences of the Israeli Government's disavowal of the bases and principles on which the peace process was launched in Madrid in 1991. They also warn of the consequences of circumventing these principles or suggesting alternatives that do not respond to the rules of international legitimacy. They stress the inseparability of the Syrian and Lebanese tracks and their connection with the Palestinian track in order to realize the Arab aims of activating all tracks. They warn against the Israeli practices aimed at dealing with individual tracks separate from the others. They call for Arab coordination and reiterate that the establishment of a just and comprehensive peace in the region requires first and foremost full Israeli withdrawal from all the occupied Palestinian territories, including Jerusalem, and from the occupied Syrian Golan Heights up to the 4 June 1967 line, and the remaining parts of southern Lebanon that are still under occupation, including the Shab'a farms, up to the internationally recognized borders. This should be done in implementation of the relevant UN resolutions - 242, 338, 425 - and the land-for-peace principle. The Palestinian people should be enabled to regain their national inalienable rights, including their right to return to their homes, get compensation for the losses they had sustained as a result of the Israeli occupation in accordance with UN Resolution 194, and establish their independent state on their national soil with Jerusalem as its capital. All Arab prisoners in Israeli jails should also be released.
17. The leaders note that Israel bears full legal responsibility for the problem of the Palestinian refugees and for their displacement. They reiterate their rejection of all plans and attempts to resettle these refugees outside their homeland. They also demand that Israel compensate the host Arab countries for the financial losses they sustained as a result of hosting these refugees on behalf of the international community.
18. The leaders decide to continue the Arab states' boycott of the multilateral talks and to suspend all steps and activities on regional economic cooperation with Israel, holding it responsible for the steps and measures that have been taken by the Arab states against it. These steps are necessitated by the suspension of the peace process and the Israeli occupation authorities' escalation of their repressive measures and siege against the Palestinian people. The leaders reaffirm their decision at the extraordinary Cairo summit in 2000 to firmly confront Israel's attempts to infiltrate the Arab world under any slogan and to stop establishing any relations with it. They hold Israel responsible for any steps or decisions by the Arab states regarding relations with it, including the cancellation of these relations. They also demand the activation of the Arab boycott of Israel by holding periodic boycott meetings as called for by the Central Office of the Boycott [in Damascus] with the aim of preventing any dealings with Israel in implementation of the boycott regulations.
19. The leaders also emphasize their full solidarity with Syria and Lebanon and reject recent Israeli threats against the two sisterly states, as well as the Israeli officials' serious threats to other Arab states and the Palestinian people and their leadership. They condemn the threat to use force and stress the need to discuss the dangers posed by these threats, as well as Israel's return to its racist policy. They also call for a clear Arab strategy to expose the Israeli schemes, which do not serve

peace and which threaten security and stability in the region. They also reject Israel's attempts to brand as terrorist the Arab states that carry out the duty of legitimate national resistance against the Israeli occupation of their territories.

20. The leaders emphasize their support for Lebanon to complete the liberation of its territory from the Israeli occupation up to the internationally recognized borders, including Shab'a farms. They praise the role of the valiant Lebanese resistance and the splendid Lebanese steadfastness that forced the Israeli forces to withdraw from Southern Lebanon and western Al-Biqa. They also demand the release of Lebanese prisoners and detainees held in Israeli jails. They support the right of Lebanon and its resistance to free these prisoners with all legitimate means. They also support Lebanon's demand to clear the mines left behind by the Israeli occupation. Israel planted them and, therefore, should clear them. In this respect, they praise the UAE's adoption of a plan to remove the mines in South Lebanon. The leaders also support Lebanon's firm rights to its water, as stipulated by international law, against the Israeli designs. They reaffirm the resolutions of the 10th, 11th, and 12th Arab summits on the need to support the Lebanese Government and assist it to rebuild Lebanon. They praise the assistance the Arab countries have offered to Lebanon, and the countries that expressed readiness to offer such assistance, particularly to the liberated areas. They call for reactivating the fund for supporting Lebanon to help it rebuild and develop its infrastructure, particularly in the areas that were liberated from the Israeli occupation.
21. The leaders stress that the achievement of a lasting peace and security in the region requires Israel to join the Nuclear Non-Proliferation Treaty and open all Israeli nuclear facilities to the international inspection and monitoring regime. They also stressed the extreme importance of keeping the Middle East free of nuclear weapons and all other weapons of mass destruction, given that this is a basic condition for any future regional security arrangements.
22. The leaders reaffirm that commitment to the peace process demands that Israel implement the agreements and fulfill the obligations that have been reached, build on what has been achieved, and resume the negotiations on all tracks from where they stopped in accordance with the terms of reference and the principles on which the peace process was launched. [The two sponsors of the peace process, especially the United States, must assume] their responsibilities and obligations toward the peace process on the basis of justice and neutrality. [above words in brackets are dropped from press version; they are provided from the final statement as distributed to reporters at conclusion of summit]
23. The leaders also urge all the states that are concerned with the peace process, headed by the EU states, to play an active role in order to overcome the obstacles facing the peace process in the Middle East.
24. The Arab leaders believe that the United Nations, which has been entrusted with the task of preserving international security and peace in its capacity as the source of international legitimacy, is called upon to play a more effective role in implementing its resolutions on the Middle East question.
25. The leaders have decided to entrust His Majesty King Abdallah II Bin-al-Husayn, president of the summit, with the task of holding consultations with his brother Arab leaders and the Arab League secretary general, and making the necessary contacts to pursue discussion of the situation between Iraq and Kuwait in order to achieve Arab solidarity.
26. The Arab leaders congratulate the brotherly peoples of Bahrain and Qatar and their wise leaders on the resolution of the border dispute between the two countries and praise the good brotherly spirit with which they received the ruling of the International Court of Justice on this subject. They consider this important accomplishment will contribute to strengthening their brotherly relations and common interests and enhancing Arab solidarity and security and stability in the region.
27. The leaders also congratulate the brotherly people of the Kingdom of Saudi Arabia and the State of Qatar and their wise leaders on the demarcation of the borders between the two countries in a manner that would contribute to strengthening the fraternal ties between them and enhancing Arab solidarity.
28. The Arab leaders reaffirm the UAE's sovereignty over the three islands of Tunb al-Kubra, Tunb al-Sughra, and Abu-Musa and their support for all the steps and means it is pursuing to regain its sovereignty over its three Arab islands. They call on Iran to end its occupation of the three Arab islands and stop the policy of imposing a status quo by force on these islands, including the establishment of facilities to settle Iranians on these islands. They call on Iran to pursue peaceful means to resolve the existing dispute over the islands in accordance with the principles and rules of international law, including an agreement to refer the dispute to the International Court of Jus-

- tice. The leaders regret Iran's refusal to respond to the efforts of the three-way committee that was entrusted by the Gulf Cooperation Council to formulate a mechanism for the initiation of direct negotiations between the UAE and the Islamic Republic of Iran to end the Iranian occupation of the three Arab islands. The leaders task the Arab League secretary general to follow up the issue of the Iranian occupation of the UAE islands and submit a report on this issue to the next Arab summit.
29. The leaders also renew their support for and solidarity with the Great Socialist People's Libyan Arab Jamahiriya in requesting the Security Council to lift the sanctions imposed on it immediately and completely, as they are no longer justified under any pretext. The Arabs will consider themselves free from any commitment to these sanctions should they continue to be imposed, especially since the Jamahiriya has fulfilled all its obligations as stipulated in the relevant Council resolutions. The leaders express their support for the Jamahiriya in obtaining compensation for the human and material losses it has sustained as a result of the sanctions imposed on it. The leaders call for the immediate release of Libyan citizen Abd-al-Basit al-Miqrahi, who was convicted for political reasons that have nothing to do with the law. In accordance with all relevant laws and norms, he will be considered hostage if he remains in custody.
 30. The leaders welcome the efforts by the interim government in Somalia to continue the general reconciliation and achieve national unity and restore security and stability to the country. They decide to offer it support to entrench security and stability and reactivate state institutions.
 31. The leaders express concern for Sudan's unity, sovereignty, and territorial integrity. They back the good offices that are being exerted by Egypt and Libya to help achieve national accord in Sudan. They praise the Sudanese Government's efforts to achieve peace and allow relief stuff to reach those harmed. They reiterate their support for the Sudanese Government's call on the UN Security Council to lift the sanctions imposed on it.
 32. The leaders express their full concern for the national unity of the Federal Islamic Republic of the Comoros and the safety of its territorial integrity and national sovereignty. They welcome the national reconciliation efforts that are being exerted by the government of the Republic of the Comoros in cooperation with the Arab League, regional organizations, and the United Nations in order to preserve national unity and achieve general national reconciliation. They decide to extend the necessary support for the Comoros to help the reconstruction effort there. In this context, they praise the Qatari initiative to set up a fund sponsored by the General Secretariat to support the Comoros and the donation of \$2 million to this fund by His Highness Shaykh Hamad Bin Khalifah Al Thani, amir of the State of Qatar.
 33. The leaders attach special importance to Arab economic integration. They endorse any steps taken to ensure the activation of this aspect of joint Arab action in a manner that achieves the Arab states' common interests and mutual benefits, strengthens their economic capabilities through the adoption of an Arab plan for a comprehensive and sustainable development, and promotes joint economic action through positive interaction with international economic developments and globalization.
 34. The leaders express their appreciation for the efforts being made to set up the Greater Arab Free Trade Area and praise the steps taken thus far toward this end. They decide to immediately eliminate all non-customs administrative, technical, financial, monetary, and volume restrictions and subject all duties and taxes of similar effect to the gradual reduction agreed upon. They also decide to treat the Arab commodities the same as national commodities.
 35. The leaders underline the importance of expediting a study on merging the services industry in the Greater Arab Free Trade Area. They also underline the importance of preparation for moving to an advanced stage of Arab economic integration through setting up an Arab customs union. They entrust the Economic and Social Council to follow up on this issue.
 36. The leaders bless what has been achieved by the Arab countries in the field of improving the investment climate. They emphasize the importance of giving more incentives to attract investments and encourage the private sector to play a greater role in this field. They call on the Arab financial establishments to co-finance infrastructure and private sector projects. They assign the Economic and Social Council the task of reviewing the unified agreement on investing Arab capital in the Arab countries to activate this agreement in light of the international and Arab developments.
 37. Due to the effective role of the transportation sector in all aspects of Arab economic integration and cooperation, the Arab leaders entrust the Economic and Social Council with the task of working in cooperation with all relevant sides to discuss all aspects and dimensions of the problem of

- transportation and ways to link the Arab countries via land, sea, and air routes and submit their recommendations in this regard to the next regular Arab summit through the foreign ministers of the Arab League Council.
38. Aware of the fact that the communication and information revolution has begun to cross geographical boundaries, the Arab leaders assert the need to accord priority to developing the Arab capabilities in the area of information technology and communications, and to consider this a vital domain for cooperation and coordination on the Arab level. In this regard, the Arab leaders welcome the UAE's offer to host the first session of the Arab Forum of Information Technology.
 39. The Arab leaders value the distinguished role of joint Arab action in investments and integration in the field of electric power. They assert that the vital contribution of this sector requires that the agencies in charge of electricity chart a specific plan to boost electric power and expedite the completion of Arab electric power linkage.
 40. In view of the relatively growing importance of the tourism sector on the Arab level and the competition this sector is facing on the international level, the leaders underscore the need for all the agencies and bodies concerned with inter-Arab tourist activities and development of tourism to spur inter-Arab tourism and attract more foreign tourists to the Arab region by supporting investments in this sector and promoting transportation services in the Arab states and facilitating entry into the Arab states.
 41. The Arab leaders value the results of joint Arab action in the field of environment and sustainable development and coordination in the international arenas. They express their support for the Abu Dhabi Declaration on the future of Arab environmental action in this field and consider it as a working mechanism in the 21st century. They stress the importance of Arab consultation and coordination for the Earth Summit in 2002. The leaders also welcome the convocation of the seventh session of the conference of the parties to the UN Framework Convention on Climate Change in Marrakech from 29 October to 9 November 2001.
 42. The leaders welcome the initiative of the Arab Republic of Egypt to convene the first economic conference in Cairo in November 2001 with the participation of Arab governments, the Arab and foreign private sectors, and regional and international economic establishments. The Arab League secretary general will be entrusted with taking the necessary steps in cooperation with the host countries to ensure the success of the conference.
 43. In light of the increasing tasks of the technical team at the General Secretariat, they entrust the secretary general with supporting and developing this team, in cooperation with the Economic and Social Council, in order to activate the mechanisms and Arab establishments in charge of following up joint Arab action. The Economic and Social Council, in collaboration with the organizations and establishments of Arab action, will be in charge of preparing and presenting economic topics to the Arab League's Foreign Ministers' Council prior to referring them to the summit.
 44. Having reviewed relations with the neighboring countries, the leaders stress the importance of strengthening the ties of cooperation with these countries, especially Iran and Turkey, which are bound with the Arab homeland by historical and cultural relations and common interests. The leaders consider the water issue in its legal, economic, and security dimensions as extremely vital to the Arab nation. Therefore, they call on Turkey to enter into tripartite talks with Iraq and Syria in accordance with the rules of international law and the treaties concluded between them in order to reach a fair and equitable agreement on the distribution of water that guarantees the rights of the three countries.
 45. Proceeding from the historical and cultural links and the common interests that unite our Arab nation with the countries of the African continent, the leaders paid attention to the subject of Afro-Arab cooperation. They examined its different aspects and stressed the need to continue efforts to promote this cooperation and remove any obstacles that hamper meetings or obstruct the implementation of joint programs. They entrusted the secretary general of the Arab League with the task of resuming his contacts in this connection with his counterpart, the OAU secretary general. In this respect, they welcome Algeria's offer to host a meeting of the Standing Committee on Arab-African Cooperation.
 46. The leaders believe in the importance of developing Arab-European relations, including the revival of the Arab-European dialogue and promoting these ties in a manner that achieves balanced and equitable interests.
 47. The leaders discussed the affairs of Arab expatriates, particularly in the two Americas and Europe. They welcomed the growing role of Arab communities and the remarkable interaction with the

- nation's causes being demonstrated by Arab and Muslim associations. They expressed their eagerness to accord full attention to the conditions of Arab expatriates, care for their interests and concerns, and promote their affiliation with the motherland.
48. The leaders extend their thanks and appreciation to His Excellency Dr. Ahmad Ismat Abd-al-Majid for his management of issues pertaining to joint Arab action during his term as Arab League secretary general with great efficiency and competence. Thanks to his great expertise and political shrewdness, he contributed to maintaining harmony and accord between Arab League members. He also contributed to the effort to foster new values and foundations for restoring Arab solidarity and promoting the performance of joint Arab action under circumstances marked by Arab and international upheavals.
 49. The leaders were unanimous in their choice of Egyptian Foreign Minister Amr Musa as new Arab League secretary general. They noted his diplomatic acumen and high competence, which qualify him to manage joint Arab action at the helm of the Arab League General Secretariat at this stage. They wished him success in his new job.
 50. To enable the Arab League to shoulder its responsibilities, perform its tasks, and implement its programs and activities, the leaders have assigned the Arab League secretary general the task of taking the necessary steps and proposing the appropriate formulas to reform the Arab League General Secretariat financially, administratively, and organizationally with a view to restructuring it, upgrading its procedures and performance, and enabling it to shoulder its pan-Arab tasks and catch up with the latest developments on the regional and international levels.
In this regard, they welcome all the proposals submitted by member states, including the paper submitted by the State of Qatar and the proposal submitted by the Hashemite Kingdom of Jordan.
 51. The leaders express their thanks to the chairman and members of the Follow-up and Action Committee formed by the recent Cairo summit for the efforts they exerted in implementing the summit resolutions. They stress the importance of this committee as an essential work mechanism for following up on the implementation of summit resolutions and taking action on the regional and international levels. They approve the continuation of its work. The summit presidency shall consult with the Arab leaders on its formation. The committee shall meet once every two months on the ministerial level and once every month on the level of permanent representatives or personal representatives of the ministers at the Arab League Headquarters or in any member state that requests hosting its work.
 52. Based on the mechanism of the regular convocation of the Arab League Council on the summit level, and in accordance with an agreement reached between the United Arab Emirates and Lebanon on exchanging their presidency of the summit, the leaders decided to hold the 14th ordinary session of the Arab League Council on the summit level in Beirut, capital of the Lebanese Republic, in March 2002. The State of Bahrain will assume the presidency of the Arab League Council on the summit level at the 15th session in accordance with the alphabetical order of the names of the member states.
The leaders also express their profound gratitude and best wishes to the brotherly Jordanian people for the good hospitality and warm reception, which they accorded to the delegations participating in the Arab summit. They also express their great appreciation to His Majesty King Abdallah II Bin-al-Husayn for the big efforts he exerted to ensure the success of the summit conference and also for the good preparation and organization. They praise the wisdom, perseverance, and competence with which his majesty ran the working sessions, which have had a great effect on the success of the summit and the important results that crowned the summit meetings - results which would help strengthen the course of joint action, achieve the higher interests of the Arab nation, and help safeguard Arab national security.



**SAUDI PRINCE SULTAN BIN ABDUL AZIZ, ADDRESS TO THE
13TH ARAB SUMMIT, AMMAN, 28 MARCH 2001 [EXCERPTS]**

*In the name of God, the Merciful, the Beneficent:
Peace and blessings be upon the best of men, our prophet Muhammad, his family and companions.*

Your Majesty, King Abdullah bin Al-Hussein, King of the Hashemite Kingdom of Jordan and Chairman of the Conference; Your Majesties, Excellencies and Highnesses; Your Excellency the Secretary-

General of the League of Arab States; your excellencies, members of the delegations: Peace be with you. [...]

Our Arab World is facing grave challenges, chief among them the killing, destruction and siege faced by our brothers in Palestine at the hands of Israel's brutal occupation authorities in an attempt to stop the brave Intifada and prolong the occupation. It is a grave injustice that the international community is silently watching these inhuman practices perpetrated by Israel against the Palestinian people.

In this context, we demand that the UN Security Council approve the legitimate demands of the Palestinian people that international protection be provided for them.

We also demand that the sponsors of the peace process and the countries of the European Union shoulder their responsibilities and take all required measures to stop the Israeli aggression, raise the siege imposed on the Palestinians, urge Israel to resume negotiations from the point where they stopped, implement the United Nations resolutions 242, 338 and 194 stipulating withdrawal of Israeli occupation forces from all occupied territories, notably the city of *Al-Quds* [Jerusalem], the Syrian Golan Heights and the Lebanese Shaba'a farms, and enable the Palestinian people to set up their independent state on their own national soil with *Al-Quds* [Jerusalem] as its capital, together with securing the return of Palestinian refugees to their homes.

We in the Kingdom of Saudi Arabia, and as my brother His Royal Highness Crown Prince Abdullah bin Abdul Aziz said at the emergency Arab Summit in Cairo, are aware that supporting our Palestinian brothers should not be confined to moral and political support alone, but should cover all aspects. We therefore hope that both the intifada fund and the Al-Aqsa fund will receive support from all of us to enable the Palestinians to preserve the Arab and Islamic identity of Al-Quds and arrange for care for the families of the Palestinian martyrs who fell in the *intifada*.



**COMMISSION OF THE CHURCHES ON INTERNATIONAL AFFAIRS OF THE
WORLD COUNCIL OF CHURCHES, ORAL INTERVENTION ON THE QUESTION
OF THE VIOLATION OF HUMAN RIGHTS, IN THE OCCUPIED ARAB TERRITORIES,
INCLUDING PALESTINE, 57TH SESSION OF THE UN HIGH COMMISSION ON
HUMAN RIGHTS, GENEVA, 28 MARCH 2001**

Thank you Mr. Chairman. I speak on behalf of the Commission of the Churches on International Affairs of the World Council of Churches whose mandate it is to advocate the rights of its member churches and their constituencies, including the churches and Christians of Jerusalem and the Holy Land, to the international community.

We would first like to thank the High Commissioner and the Inquiry Commission for the thorough and revealing reports, E/CN.4/2001/114 and E/CN.4/2001/121.

The statement adopted on February 5th 2001 by the Central Committee of the World Council of Churches on the current situation in the Holy Land demonstrates the extent to which the churches are gravely concerned and share the frustration of the Palestinian people with the non-implementation of countless UN resolutions as well as the accelerating rate of systematic abuse of their human rights by Israel. (And I quote from the statement:)

"We are deeply disturbed by a pattern of discrimination, routine humiliation, segregation and exclusion which restricts Palestinian freedom of movement, including access to the Holy sites and includes the disproportionate use of military force by Israel, the denial of access to timely medical assistance, the destruction of property, including tens of thousands of olive trees, and which requires special permission for Palestinians to enter areas under Israeli jurisdiction and establishes 'cantonization' of the land, so that the Palestinian land is

separated from one another - a pattern so reminiscent of policies that the World Council of Churches has condemned in the past". (End of quote)

Mr Chairman, the World Council of Churches is receiving alarming calls from its member churches on the ground detailing a desperate situation for both Muslim and Christian indigenous Palestinians. The continued violence against civilians and repressive forms of collective punishments, such as the even harsher closures of recent weeks which seal off entire towns and villages and the continuing bombing and shelling of civilian neighbourhoods, have resulted in gross and massive violations of civil and political, as well as socio-economic rights, creating countless impoverished families, exacerbating the situation and undermining the peace process. The consequence of this will only be more violence and bloodshed for innocent Israelis and Palestinians.

However, Sir, the churches joined in the WCC are convinced that for the tragic humanitarian situation to be alleviated and the violations of human rights to end, the underlying causes of the present conflict must be dealt with. Israel must comply with relevant and authoritative UN resolutions, including those demanding an end to Israeli military occupation, which in itself constitutes a grave violation of the human rights of the Palestinian people. Israel's repeated defiance of international law, its continuing occupation and the impunity it has so long enjoyed are the fundamental causes of the present violence and threaten the peace and security of both peoples.

Only after occupation and the accompanying violations of collective human rights end can the Middle East move towards a real peace process based on the rule of law, and both Israelis and Palestinians be able to walk together along the path of peace, justice and reconciliation.

The Commission of the Churches on International Affairs of the World Council of Churches therefore hopes that this 57th Session of the Commission of Human Rights will:

- Follow up on the implementation of Resolution E/CN.4/S-5 of 19 October 2000, including:
 - its call upon Israel to put an immediate end to any use of force against unarmed civilians and to abide scrupulously by its legal obligations and responsibilities under the Fourth Geneva Convention;
 - its call upon the international community to put an end to the ongoing violations of the Palestinian people in the occupied territories, including the military occupation itself;
 - its request for the visits of the Special Rapporteurs.
- Endorse and follow up on the recommendations of the High Commissioner for Human Rights and the Inquiry Commission as expressed in their submitted statements to this Session, including:
 - the establishment of an adequate and effective international presence to ensure full protection of the human rights of the Palestinian people;
 - the need for a negotiated, comprehensive, just and durable peace.

I thank you Mr Chairman for giving me the floor.



EUROPEAN UNION PRESIDENCY, DECLARATION ON THE DETERIORATING SITUATION IN THE MIDDLE EAST, BRUSSELS, 29 MARCH 2001

The European Union calls on both parties to act with maximum restraint, restore calm and do their utmost to prevent actions resulting in new victims. Furthermore, it calls upon both parties to refrain from any unilateral action that may generate more violence and aggravate the crisis.

Events of the sort which have taken place during the last days will only aggravate the already very serious situation in the area. There is no military solution to the ongoing conflict. Only a resumed peace process can create the conditions for an improved security situation as a step towards normalisation. It is also essential that both sides continue and intensify their security cooperation.

The European Union deplores the recent increase of violence in the region and the daily loss of life among both Palestinians and Israelis. The Union offers its condolences to the bereaved families and its sympathy to the injured persons.



**EUROPEAN UNION PRESIDENCY, DECLARATION ON ISRAELI
SETTLEMENT ACTIVITIES, BRUSSELS, 4 APRIL 2001**

The Presidency of the European Union expresses great concern at the continuing Israeli settlement activities, including the plans for establishment of new settlements and the expansion of existing ones. Recently plans to expand the settlement Har Homa/Jabal Abu Ghneim with an additional 2800 housing units and a new settlement to be called Giva'ot with 6000 housing units have been announced. The European Union calls on the Israeli Government to prevent the implementation of these proposals.

Settlements change the physical character and demographic composition of the Occupied Territories. All settlement activities are illegal and constitute a major obstacle to peace.

The European Union strongly urges the Israeli government to reverse its settlement policy as regards the Occupied Territories, including East Jerusalem.



**EUROPEAN UNION PRESIDENCY, DECLARATION ON THE
SITUATION IN THE MIDDLE EAST, 12 APRIL 2001**

The Presidency of the European Union deplores the dangerous and dramatic escalation of violence on both sides in the Israeli-Palestinian conflict. The Presidency looks with particular concern upon the Israeli attack on the Palestinian refugee camp Khan Yunis in the Gaza Strip on April 10.

This attack seems to mark a change in the Israeli tactics, constituting the first large-scale incursion by Israeli forces into Palestinian-ruled territory. The Presidency also looks very seriously upon repeated mortar-attacks from Palestinian administered territories against Israeli civilian targets.

Every effort has to be made to stop the escalation of violence, and both sides are urged to take immediate steps to stop the bloodshed.

It is not conducive to a solution that both parties persist in the unfortunate conviction that it is the other party that bears full responsibility for the violence and the present impasse in the peace process.

The Presidency is concerned about the verbal incitement, and urges the parties to exercise restraint. The Presidency welcomes the renewed security co-operation between the parties and hopes that these talks will lead to an increased level of trust at this critical point in time. The European Union remains at the disposal of the two parties should they so wish.



**LETTER BY 87 US SENATORS TO PRESIDENT GEORGE W. BUSH CALLING FOR
REASSESSING US-PALESTINIAN RELATIONS, WASHINGTON DC, 15 APRIL 2001**

Dear Mr. President,

We are writing you out of a deep sense of frustration, anger, and concern over recent events in the Middle East. Less than eight months ago at Camp David, Israel offered a final status proposal to the Palestinians that was breathtaking in the scope of its concessions. The Palestinians rejected the Israeli

offer, and a member of the Palestinian Authority said, "The issues of Jerusalem, the refugees and sovereignty will be decided on the ground and not in negotiations ... the situation in the future will be more violent than the intifada."

Over the past several months, the Palestinians have initiated on average over thirty "incidents" a day against Israeli soldiers and civilians. Initially, rocks and guns were used; increasingly, it is mortars and antitank missiles. Many of these attacks are well-planned operations involving the highest levels of the Palestinian security forces, openly led by the PLO's own militia, the Tanzim. Arafat's release from detention since July of over 130 members of the most radical anti-Israel groups directly involved in attacks against Israelis has resulted in the commission of many acts of terror. He has never once since the start of the violence in September stood up and addressed his people in Arabic unequivocally calling for an end to the violence.

Mr. President, the United States opened a dialogue with the PLO, allowed the PLO to maintain an office in Washington, allowed PLO officials to visit the United States and provided funding to the Palestinians under very specific conditions: that the Palestinian leadership remain committed to the negotiating process and that they renounce the use of violence. In fact, Section 1302 of the International Security and Development Act of 1985 specifically prohibits any employee of the U.S. government from negotiating with a PLO official unless the PLO "renounces the use of terrorism."

Given the drastic changes that have taken place in recent months we believe it is time for the United States to initiate a reassessment of our relations with the Palestinians. Such a reassessment should, in our view, examine whether those Palestinian groups involved in violence, such as the PLO-affiliated groups Force 17 and Tanzim, should be designated as foreign terrorist organizations under Section 219 of 8 USC 1189, whether U.S. aid to the Palestinians is in fact meeting its goals, and whether it is appropriate for Arafat to be invited to meet with high-level officials in Washington while the violence continues; we also believe that you should reaffirm America's opposition to a unilaterally declared independent Palestinian state.

We raise these questions with tremendous sorrow about the turn of events in the region. The Palestinians had a unique opportunity to secure virtually everything they had been seeking from Israel at the negotiating table. For reasons that baffle us, they chose instead to use violence against Israel. That decision comes at a great cost to everyone involved and with no foreseeable benefit. From our perspective, it is time for the United States to require that the leadership of the Palestinian Authority speak and act against the continuing violence and terrorism, or face a significant change in our relations with them.

It is also time for those of us in both parties who serve in Congress and in your administration to re-state our commitment to Israel's security and to the uniquely common values and interests which America and Israel share.

Mr. President, we look forward to your thoughts on these issues and to working together on them.



JORDANIAN-EGYPTIAN PROPOSAL FOR CESSATION OF PALESTINIAN-ISRAELI VIOLENCE AND RESUMPTION OF NEGOTIATIONS, 17 APRIL 2001

[The text of the Jordanian-Egyptian peace proposal - presented to Israeli PM Sharon by Jordan's FM Abd al-Ilia Al-Khatib - was published in the Ha'aretz on 19 April 2001].

Reaffirming that achieving a just, comprehensive and lasting peace is the political priority in the Middle East,

Desirous to find the effective means to end the current crisis, and in order to re-launch the Peace Process on the right track, by correcting the deficiencies of the negotiating process,

Jordan and Egypt propose the following:

First: Steps to end the current crisis between Israel and the Palestinian Authority:

In implementation of the understandings reached at the Sharm El-Sheikh Summit that convened on 16 and 17 October 2000, and working towards the return to the state that prevailed prior to September, 2000:

- (1) Both parties shall undertake, in one week from this agreement, concrete steps on each side to diffuse the current crisis, end confrontation, and restore calm.
- (2) Ending the military, (financial), and economic siege, and the blockade on the free movement of materials and food supplies, imposed in the West Bank, Jerusalem and Gaza Strip, as well as refraining from the use of internationally prohibited weapons. This shall be implemented during the same period.
- (3) In parallel, Israel shall withdraw all its military forces, tanks, armored vehicles, and weapons from their current positions in and around Palestinian cities, villages, and refugee camps to their locations that existed in September 2000.
- (4) Immediate release and transfer of all outstanding arrears to the Palestinian Authority.
- (5) In parallel to the implementation of all the above-mentioned steps, the Political/Security Committee at the high officials' level shall convene to monitor this implementation.

Second: Confidence Building Measures:

In the light of the current climate of distrust, both parties will adopt measures aiming at restoring trust and confidence between the Palestinian and Israeli peoples, through resuming the faithful implementation of their commitments as agreed on or stipulated in the signed agreements, including:

- a) The immediate resumption of implementing all articles of the Sharm El-Sheikh memorandum signed on 5 September, 1999.
- b) Total and immediate freeze of all settlement activities including those in East Jerusalem.
- c) Mutual implementation of all security commitments.
- d) The protection of all holy places and religious sites.
- e) Mutual implementation of all other commitments as agreed upon by both parties.

Third: Rebuilding the negotiating process on the Palestinian Track:

In conjunction with the confidence building measures and the previously mentioned steps in item "First" which aims at ending the current crisis, both parties shall decide to resume work on all items on the agenda for the permanent status negotiations including: Jerusalem/ Palestinian Refugees/ Borders/ Settlements/Security/Water/all other basic issues, with no exception or prejudice according to signed agreements with the aim of implementing fully Security Council Resolution 242 and 338. Both Parties agree that they will conclude these negotiations within one year from the date of their resumption.

The negotiations between both parties must be based on the need to preserve and develop the progress that has been achieved during the period from November 1999 until January 2001, including all rounds of bilateral negotiations, the Camp David Summit and its aftermath, until the Taba round of negotiations on 21-28 January 2001.

Fourth:

To guarantee the adherence of both parties to the strict and faithful implementation of the above mentioned items, it is proposed that the sponsors of the Peace Process, the European Union, Egypt, Jordan and the Secretary General of the United Nations shall monitor this implementation and its progress.



**US SECRETARY OF STATE COLIN POWELL, STATEMENT ON THE MIDDLE EAST,
US DEPARTMENT OF STATE, WASHINGTON, DC, 17 APRIL 2001**

SITUATION IN THE MIDDLE EAST

The United States is deeply concerned about the events of the last four days in the Middle East, including the Hezbollah attack on Israeli forces at Sheba'a Farms, the Israeli retaliatory attack directed at Syrian positions in Lebanon, the ongoing Palestinian mortar attacks into Israel, and last night's Israeli retaliation in Gaza. The situation is threatening to escalate further, posing the risk of a broader conflict. We call upon all sides to exercise maximum restraint, to reduce tensions, and to take steps to end the violence immediately.

The hostilities last night in Gaza were precipitated by the provocative Palestinian mortar attacks on Israel. The Israeli response was excessive and disproportionate. We call upon both sides to respect the agreements they've signed. For the Palestinians, this includes implementing their commitment to renounce terrorism and violence, to exercise control over all elements of the P.L.O. and the Palestinian Authority, and to discipline violators.

For the Israelis, this includes respecting their commitment to withdraw from Gaza according to the terms of the agreements signed by Israel and the Palestinians. There can be no military solution to this conflict. We continue to strongly believe that the resumption of bilateral security cooperation is essential to reduce and eventually end the violence. We are continuing to work with the parties so that they can resume as soon as possible the security discussions they began two weeks ago. The United States remains prepared to assist the parties in taking steps to reduce the violence, seeking ways to restore trust and confidence, and assisting them in resolving their differences through negotiations.



**SHARM EL-SHEIKH FACT-FINDING COMMITTEE FINAL REPORT
("MITCHELL REPORT"), 30 APRIL 2001 [EXCERPTS]**

[The Committee, mandated at the Oct. 2000 Sharm El-Sheikh summit to look into the causes of the Al-Aqsa Intifada as well as making recommendations on how to prevent a recurrence, was headed by former US senator George Mitchell (hence "Mitchell Committee") and included former Turkish Pres. Suleyman Demirel, Norwegian FM Thorbjørn Jagland, EU Foreign Policy and Security chief Javier Solana, and former US senator Warren Rudman. The committee visited the region in Dec. 2000 and March 2001. Their 32-page report was completed on 30 April but publicly released only on 20 May.]

The Honorable George W. Bush
President of the United States
The White House
Washington, DC 20500

Dear Mr. President,

We enclose herewith the report of the Sharm el-Sheikh Fact-Finding Committee.

We sought and received information and advice from a wide range of individuals, organizations, and governments. However, the conclusions and recommendations are ours alone.

We are grateful for the support that you and your administration have provided to the Committee.

Respectfully,

Suleyman Demirel, Thorbjørn Jagland, Warren B. Rudman, Javier Solana, George J Mitchell,
Chairman

SUMMARY OF RECOMMENDATIONS

The Government of Israel (GOI) and the Palestinian Authority (PA) must act swiftly and decisively to halt the violence. Their immediate objectives then should be to rebuild confidence and resume negotiations.

During this mission our aim has been to fulfill the mandate agreed at Sharm el-Sheikh. We value the support given our work by the participants at the summit, and we commend the parties for their cooperation. Our principal recommendation is that they recommit themselves to the Sharm el-Sheikh spirit and that they implement the decisions made there in 1999 and 2000. We believe that the summit participants will support bold action by the parties to achieve these objectives.

The restoration of trust is essential, and the parties should take affirmative steps to this end. Given the high level of hostility and mistrust, the timing and sequence of these steps are obviously crucial. This can be decided only by the parties. We urge them to begin the process of decision immediately. Accordingly, we recommend that steps be taken to:

END THE VIOLENCE

- The GOI and the PA should reaffirm their commitment to existing agreements and undertakings and should immediately implement an unconditional cessation of violence.
- The GOI and PA should immediately resume security cooperation.

REBUILD CONFIDENCE

- The PA and GOI should work together to establish a meaningful "cooling off period" and implement additional confidence building measures, some of which were detailed in the October 2000 Sharm el-Sheikh Statement and some of which were offered by the U.S. on January 7, 2001 in Cairo (see Recommendations section for further description).
- The PA and GOI should resume their efforts to identify, condemn and discourage incitement in all its forms.
- The PA should make clear through concrete action to Palestinians and Israelis alike that terrorism is reprehensible and unacceptable, and that the PA will make a 100 percent effort to prevent terrorist operations and to punish perpetrators. This effort should include immediate steps to apprehend and incarcerate terrorists operating within the PA's jurisdiction.
- The GOI should freeze all settlement activity, including the "natural growth" of existing settlements.
- The GOI should ensure that the IDF adopt and enforce policies and procedures encouraging non-lethal responses to unarmed demonstrators, with a view to minimizing casualties and friction between the two communities.
- The PA should prevent gunmen from using Palestinian populated areas to fire upon Israeli populated areas and IDF positions. This tactic places civilians on both sides at unnecessary risk.
- The GOI should lift closures, transfer to the PA all tax revenues owed, and permit Palestinians who had been employed in Israel to return to their jobs; and should ensure that security forces and settlers refrain from the destruction of homes and roads, as well as trees and other agricultural property in Palestinian areas. We acknowledge the GOI's position that actions of this nature have been taken for security reasons. Nevertheless, the economic effects will persist for years.
- The PA should renew cooperation with Israeli security agencies to ensure, to the maximum extent possible, that Palestinian workers employed within Israel are fully vetted and free of connections to organizations and individuals engaged in terrorism.
- The PA and GOI should consider a joint undertaking to preserve and protect holy places sacred to the traditions of Jews, Muslims, and Christians.
- The GOI and PA should jointly endorse and support the work of Palestinian and Israeli non-governmental organizations involved in cross-community initiatives linking the two peoples

RESUME NEGOTIATIONS

In the spirit of the Sharm el-Sheikh agreements and understandings of 1999 and 2000, we recommend that the parties meet to reaffirm their commitment to signed agreements and mutual understandings, and take corresponding action. This should be the basis for resuming full and meaningful negotiations.

INTRODUCTION

On October 17, 2000, at the conclusion of the Middle East Peace Summit at Sharm el-Sheikh, Egypt, the President of the United States spoke on behalf of the participants (the Government of Israel, the Palestinian Authority, the Governments of Egypt, Jordan, and the United States, the United Nations, and the European Union). Among other things, the President stated that:

The United States will develop with the Israelis and Palestinians, as well as in consultation with the United Nations Secretary General, a committee of fact-finding on the events of the past several weeks and how to prevent their recurrence. The committee's report will be shared by the U.S. President with the U.N. Secretary General and the parties prior to publication. A final report shall be submitted under the auspices of the U.S. President for publication.¹

On November 7, 2000, following consultations with the other participants, the President asked us to serve on what has come to be known as the Sharm el-Sheikh Fact-Finding Committee. In a letter to us on December 6, 2000, the President stated that:

The purpose of the Summit, and of the agreement that ensued, was to end the violence, to prevent its recurrence, and to find a path back to the peace process. In its actions and mode of operation, therefore, the Committee should be guided by these overriding goals... The Committee should strive to steer clear of any step that will intensify mutual blame and finger-pointing between the parties. As I noted in my previous letter, "the Committee should not become a divisive force or a focal point for blame and recrimination but rather should serve to forestall violence and confrontation and provide lessons for the future." This should not be a tribunal whose purpose is to determine the guilt or innocence of individuals or of the parties; rather, it should be a fact-finding committee whose purpose is to determine what happened and how to avoid it recurring in the future.²

After our first meeting, held before we visited the region, we urged an end to all violence. Our meetings and our observations during our subsequent visits to the region have intensified our convictions in this regard. Whatever the source, violence will not solve the problems of the region. It will only make them worse. Death and destruction will not bring peace, but will deepen the hatred and harden the resolve on both sides. There is only one way to peace, justice, and security in the Middle East, and that is through negotiation.

Despite their long history and close proximity, some Israelis and Palestinians seem not to fully appreciate each other's problems and concerns. Some Israelis appear not to comprehend the humiliation and frustration that Palestinians must endure every day as a result of living with the continuing effects of occupation, sustained by the presence of Israeli military forces and settlements in their midst, or the determination of the Palestinians to achieve independence and genuine self-determination. Some Palestinians appear not to comprehend the extent to which terrorism creates fear among the Israeli people and undermines their belief in the possibility of co-existence, or the determination of the GOI to do whatever is necessary to protect its people.

Fear, hate, anger, and frustration have risen on both sides. The greatest danger of all is that the culture of peace, nurtured over the previous decade, is being shattered. In its place there is a growing sense of futility and despair, and a growing resort to violence.

Political leaders on both sides must act and speak decisively to reverse these dangerous trends; they must rekindle the desire and the drive for peace. That will be difficult. But it can be done and it must be done, for the alternative is unacceptable and should be unthinkable.

¹ A copy of the statement is attached.

² Copies of the President's letters are attached.

Two proud peoples share a land and a destiny. Their competing claims and religious differences have led to a grinding, demoralizing, dehumanizing conflict. They can continue in conflict or they can negotiate to find a way to live side-by-side in peace.

There is a record of achievement. In 1991 the first peace conference with Israelis and Palestinians took place in Madrid to achieve peace based on UN Security Council Resolutions 242 and 338. In 1993, the Palestine Liberation Organization (PLO) and Israel met in Oslo for the first face-to-face negotiations; they led to mutual recognition and the Declaration of Principles (signed by the parties in Washington, D.C. on September 13, 1993), which provided a road map to reach the destination agreed in Madrid. Since then, important steps have been taken in Cairo, in Washington, and elsewhere. Last year the parties came very close to a permanent settlement.

So much has been achieved. So much is at risk. If the parties are to succeed in completing their journey to their common destination, agreed commitments must be implemented, international law respected, and human rights protected. We encourage them to return to negotiations, however difficult. It is the only path to peace, justice and security.

DISCUSSION

It is clear from their statements that the participants in the summit of last October hoped and intended that the outbreak of violence, then less than a month old, would soon end. The U.S. President's letters to us, asking that we make recommendations on how to prevent a recurrence of violence, reflect that intention.

Yet the violence has not ended. It has worsened. Thus the overriding concern of those in the region with whom we spoke is to end the violence and to return to the process of shaping a sustainable peace. That is what we were told, and were asked to address, by Israelis and Palestinians alike. It was the message conveyed to us as well by President Mubarak of Egypt, King Abdullah of Jordan, and UN Secretary General Annan.

Their concern must be ours. If our report is to have effect, it must deal with the situation that exists, which is different from that envisaged by the summit participants. In this report, we will try to answer the questions assigned to us by the Sharm el-Sheikh summit: What happened? Why did it happen?

In light of the current situation, however, we must elaborate on the third part of our mandate: How can the recurrence of violence be prevented? The relevance and impact of our work, in the end, will be measured by the recommendations we make concerning the following:

- Ending the Violence.
- Rebuilding Confidence.
- Resuming Negotiations.

WHAT HAPPENED?

We are not a tribunal. We complied with the request that we not determine the guilt or innocence of individuals or of the parties. We did not have the power to compel the testimony of witnesses or the production of documents. Most of the information we received came from the parties and, understandably, it largely tended to support their arguments.

In this part of our report, we do not attempt to chronicle all of the events from late September 2000 onward. Rather, we discuss only those that shed light on the underlying causes of violence.

In late September 2000, Israeli, Palestinian, and other officials received reports that Member of the Knesset (now Prime Minister) Ariel Sharon was planning a visit to the Haram al-Sharif/Temple Mount in Jerusalem. Palestinian and U.S. officials urged then Prime Minister Ehud Barak to prohibit

the visit.³ Mr. Barak told us that he believed the visit was intended to be an internal political act directed against him by a political opponent, and he declined to prohibit it.

Mr. Sharon made the visit on September 28 accompanied by over 1,000 Israeli police officers. Although Israelis viewed the visit in an internal political context, Palestinians saw it as highly provocative to them. On the following day, in the same place, a large number of unarmed Palestinian demonstrators and a large Israeli police contingent confronted each other. According to the U.S. Department of State, "Palestinians held large demonstrations and threw stones at police in the vicinity of the Western Wall. Police used rubber-coated metal bullets and live ammunition to disperse the demonstrators, killing 4 persons and injuring about 200."⁴ According to the GOI, 14 Israeli policemen were injured.⁵

Similar demonstrations took place over the following several days.⁶ Thus began what has become known as the "Al-Aqsa Intifada" (Al-Aqsa being a mosque at the Haram al-Sharif/Temple Mount).

The GOI asserts that the immediate catalyst for the violence was the breakdown of the Camp David negotiations on July 25, 2000 and the "widespread appreciation in the international community of Palestinian responsibility for the impasse."⁷ In this view, Palestinian violence was planned by the PA leadership, and was aimed at "provoking and incurring Palestinian casualties as a means of regaining the diplomatic initiative."⁸

The Palestine Liberation Organization (PLO) denies the allegation that the intifada was planned. It claims, however, that "Camp David represented nothing less than an attempt by Israel to extend the force it exercises on the ground to negotiations,"⁹ and that "the failure of the summit, and the attempts to allocate blame on the Palestinian side only added to the tension on the ground..."¹⁰

From the perspective of the PLO, Israel responded to the disturbances with excessive and illegal use of deadly force against demonstrators; behavior which, in the PLO's view, reflected Israel's contempt for the lives and safety of Palestinians. For Palestinians, the widely seen images of the killing of 12-year-old Muhammad al Durra in Gaza on September 30, shot as he huddled behind his father, reinforced that perception.

From the perspective of the GOI, the demonstrations were organized and directed by the Palestinian leadership to create sympathy for their cause around the world by provoking Israeli security forces to

³ When informed of the planned visit, Ambassador Dennis Ross (President Clinton's Middle East Envoy) said that he told Israeli Minister of Interior Shlomo Ben-Ami, "I can think of a lot of bad ideas, but I can't think of a worse one." See Jane Perlez, "US Envoy Recalls the Day Pandora's Box Wouldn't Shut," *The New York Times*, January 29, 2001.

⁴ U.S. Department of State, *Country Reports on Human Rights Practices - 2000 (Israel)*, Bureau of Democracy, Human Rights and Labor, February 2001.

⁵ Government of Israel, *First Statement*, 28 December 2000 (hereafter "GOI, *First Statement*"), para 187. B'T-selem (The Israeli Information Center for Human Rights in the Occupied Territories) reported that 70 police were injured. See *Events on the Temple Mount - 29 September 2000: Interim Report*.

⁶ Disturbances also occurred within Israel's Arab community, resulting in thirteen deaths. These events do not fall within the mandate of this Committee and are the subject of an official GOI inquiry.

⁷ GOI, *First Statement*, para 118.

⁸ *Id.*, para 110. According to the GOI, the Palestinian Minister of Posts and Telecommunications declared at a rally in Lebanon in March 2001 that the confrontation with Israel had been planned following the Camp David Summit. See Government of Israel, *Second Statement*, 20 March 2001 (hereafter, "GOI, *Second Statement*"), para 2. The PA provided the Committee a translation of a letter from the Minister, dated March 12, 2001, in which the Minister denied saying that the intifada was planned, and that his statement in Lebanon was misquoted and taken out of context. We were told by an Israeli Defense Force (IDF) intelligence officer that while the declaration itself was not definitive, it represented an "open-source" version of what was known to the IDF through "other means"; knowledge and means not shared by the IDF with the Committee.

⁹ Palestine Liberation Organization, *Preliminary Submission of the Palestine Liberation Organization to the International Commission of Inquiry*, December 8, 2000, p. 10. Note: submissions to the Committee from the Palestinian side were made by the PLO.

¹⁰ Palestine Liberation Organization, *A Crisis of Faith: Second Submission of the Palestine Liberation Organization to the Sharm El-Sheikh Fact-Finding Committee*, December 30, 2000 (hereafter "PLO, *Second Submission*"), p. 16.

fire upon demonstrators, especially young people. For Israelis, the lynching of two military reservists, First Sgt. Vadim Novesche and First Cpl. Yosef Avrahami, in Ramallah on October 12, reflected a deep-seated Palestinian hatred of Israel and Jews.

What began as a series of confrontations between Palestinian demonstrators and Israeli security forces, which resulted in the GOI's initial restrictions on the movement of people and goods in the West Bank and Gaza Strip (closures), has since evolved into a wider array of violent actions and responses. There have been exchanges of fire between built-up areas, sniping incidents and clashes between Israeli settlers and Palestinians. There have also been terrorist acts and Israeli reactions thereto (characterized by the GOI as counter-terrorism), including killings, further destruction of property and economic measures. Most recently, there have been mortar attacks on Israeli locations and IDF ground incursions into Palestinian areas.

From the Palestinian perspective, the decision of Israel to characterize the current crisis as "an armed conflict short of war"¹¹ is simply a means "to justify its assassination policy, its collective punishment policy, and its use of lethal force."¹² From the Israeli perspective, "The Palestinian leadership have instigated, orchestrated and directed the violence. It has used, and continues to use, terror and attrition as strategic tools."¹³

In their submissions, the parties traded allegations about the motivation and degree of control exercised by the other. However, we were provided with no persuasive evidence that the Sharon visit was anything other than an internal political act; neither were we provided with persuasive evidence that the PA planned the uprising.

Accordingly, we have no basis on which to conclude that there was a deliberate plan by the PA to initiate a campaign of violence at the first opportunity; or to conclude that there was a deliberate plan by the GOI to respond with lethal force.

However, there is also no evidence on which to conclude that the PA made a consistent effort to contain the demonstrations and control the violence once it began; or that the GOI made a consistent effort to use non-lethal means to control demonstrations of unarmed Palestinians. Amid rising anger, fear, and mistrust, each side assumed the worst about the other and acted accordingly.

The Sharon visit did not cause the "Al-Aqsa Intifada." But it was poorly timed and the provocative effect should have been foreseen; indeed it was foreseen by those who urged that the visit be prohibited. More significant were the events that followed: the decision of the Israeli police on September 29 to use lethal means against the Palestinian demonstrators; and the subsequent failure, as noted above, of either party to exercise restraint.

WHY DID IT HAPPEN?

The roots of the current violence extend much deeper than an inconclusive summit conference. Both sides have made clear a profound disillusionment with the behavior of the other in failing to meet the expectations arising from the peace process launched in Madrid in 1991 and then in Oslo in 1993. Each side has accused the other of violating specific undertakings and undermining the spirit of their commitment to resolving their political differences peacefully.

Divergent Expectations: We are struck by the divergent expectations expressed by the parties relating to the implementation of the Oslo process. Results achieved from this process were unthinkable less

¹¹ See GOI, *First Statement*, para 286.

¹² Palestine Liberation Organization, *Third Submission of The Palestine Liberation Organization to the Sharm El-Sheikh Fact-Finding Committee*, April 3, 2001 (hereafter "PLO, *Third Submission*"), p. 51.

¹³ GOI, *Second Statement*, para 4.

than 10 years ago. During the latest round of negotiations, the parties were closer to a permanent settlement than ever before.

Nonetheless, Palestinians and Israelis alike told us that the premise on which the Oslo process is based - that tackling the hard "permanent status" issues be deferred to the end of the process - has gradually come under serious pressure. The step-by-step process agreed to by the parties was based on the assumption that each step in the negotiating process would lead to enhanced trust and confidence. To achieve this, each party would have to implement agreed upon commitments and abstain from actions that would be seen by the other as attempts to abuse the process in order to predetermine the shape of the final outcome. If this requirement is not met, the Oslo road map cannot successfully lead to its agreed destination. Today, each side blames the other for having ignored this fundamental aspect, resulting in a crisis in confidence. This problem became even more pressing with the opening of permanent status talks.

The GOI has placed primacy on moving toward a Permanent Status Agreement in a nonviolent atmosphere, consistent with commitments contained in the agreements between the parties. "Even if slower than was initially envisaged, there has, since the start of the peace process in Madrid in 1991, been steady progress towards the goal of a Permanent Status Agreement without the resort to violence on a scale that has characterized recent weeks."¹⁴ The "goal" is the Permanent Status Agreement, the terms of which must be negotiated by the parties.

The PLO view is that delays in the process have been the result of an Israeli attempt to prolong and solidify the occupation. Palestinians "believed that the Oslo process would yield an end to Israeli occupation in five years,"¹⁵ the timeframe for the transitional period specified in the Declaration of Principles. Instead there have been, in the PLO's view, repeated Israeli delays culminating in the Camp David summit, where, "Israel proposed to annex about 11.2% of the West Bank (excluding Jerusalem)..." and offered unacceptable proposals concerning Jerusalem, security and refugees. "In sum, Israel's proposals at Camp David provided for Israel's annexation of the best Palestinian lands, the perpetuation of Israeli control over East Jerusalem, a continued Israeli military presence on Palestinian territory, Israeli control over Palestinian natural resources, airspace and borders, and the return of fewer than 1% of refugees to their homes."¹⁶

Both sides see the lack of full compliance with agreements reached since the opening of the peace process as evidence of a lack of good faith. This conclusion led to an erosion of trust even before the permanent status negotiations began.

Divergent Perspectives: During the last seven months, these views have hardened into divergent realities. Each side views the other as having acted in bad faith; as having turned the optimism of Oslo into the suffering and grief of victims and their loved ones. In their statements and actions, each side demonstrates a perspective that fails to recognize any truth in the perspective of the other.

The Palestinian Perspective: For the Palestinian side, "Madrid" and "Oslo" heralded the prospect of a State, and guaranteed an end to the occupation and a resolution of outstanding matters within an agreed time frame. Palestinians are genuinely angry at the continued growth of settlements and at their daily experiences of humiliation and disruption as a result of Israel's presence in the Palestinian territories. Palestinians see settlers and settlements in their midst not only as violating the spirit of the Oslo process, but also as an application of force in the form of Israel's overwhelming military superiority, which sustains and protects the settlements.

The Interim Agreement provides that "the two parties view the West Bank and Gaza as a single territorial unit, the integrity and status of which will be preserved during the interim period." Coupled with this, the Interim Agreement's prohibition on taking steps which may prejudice permanent status

¹⁴ GOI, *First Statement*, para 19.

¹⁵ PLO, *Third Submission*, p. 25.

¹⁶ *Id.*, pp. 46-50.

negotiations denies Israel the right to continue its illegal expansionist settlement policy. In addition to the Interim Agreement, customary international law, including the Fourth Geneva Convention, prohibits Israel (as an occupying power) from establishing settlements in occupied territory pending an end to the conflict.¹⁷

The PLO alleges that Israeli political leaders "have made no secret of the fact that the Israeli interpretation of Oslo was designed to segregate the Palestinians in non-contiguous enclaves, surrounded by Israeli military-controlled borders, with settlements and settlement roads violating the territories' integrity."¹⁸ According to the PLO, "In the seven years since the [Declaration of Principles], the settler population in the West Bank, excluding East Jerusalem and the Gaza Strip, has doubled to 200,000, and the settler population in East Jerusalem has risen to 170,000. Israel has constructed approximately 30 new settlements, and expanded a number of existing ones to house these new settlers."¹⁹

The PLO also claims that the GOI has failed to comply with other commitments such as the further withdrawal from the West Bank and the release of Palestinian prisoners. In addition, Palestinians expressed frustration with the impasse over refugees and the deteriorating economic circumstances in the West Bank and Gaza Strip.

The Israeli Perspective: From the GOI perspective, the expansion of settlement activity and the taking of measures to facilitate the convenience and safety of settlers do not prejudice the outcome of permanent status negotiations.

Israel understands that the Palestinian side objects to the settlements in the West Bank and the Gaza Strip. Without prejudice to the formal status of the settlements, Israel accepts that the settlements are an outstanding issue on which there will have to be agreement as part of any permanent status resolution between the sides. This point was acknowledged and agreed upon in the Declaration of Principles of 13 September 1993 as well as in other agreements between the two sides. There has in fact been a good deal of discussion on the question of settlements between the two sides in the various negotiations toward a permanent status agreement.²⁰

Indeed, Israelis point out that at the Camp David summit and during subsequent talks the GOI offered to make significant concessions with respect to settlements in the context of an overall agreement. Security, however, is the key GOI concern. The GOI maintains that the PLO has breached its solemn commitments by continuing the use of violence in the pursuit of political objectives. "Israel's principal concern in the peace process has been security. This issue is of overriding importance... [S]ecurity is not something on which Israel will bargain or compromise. The failure of the Palestinian side to comply with both the letter and spirit of the security provisions in the various agreements has long been a source of disturbance in Israel."²¹

According to the GOI, the Palestinian failure takes several forms: institutionalized anti-Israel, anti-Jewish incitement; the release from detention of terrorists; the failure to control illegal weapons; and the actual conduct of violent operations, ranging from the insertion of riflemen into demonstrations to terrorist attacks on Israeli civilians. The GOI maintains that the PLO has explicitly violated its renunciation of terrorism and other acts of violence,²² thereby significantly eroding trust between the parties. The GOI perceives "a thread, implied but nonetheless clear, that runs throughout the Palestinian submissions. It is that Palestinian violence against Israel and Israelis is somehow explicable, understandable, legitimate."²³

¹⁷ Id., pp. 27-28.

¹⁸ PLO, *Second Submission*, p. 14.

¹⁹ Id., pp. 14-15.

²⁰ GOI, *Second Statement*, para 82.

²¹ GOI, *First Statement*, para 99.

²² GOI *Second Statement*, para 19, referring to the *Exchange of Notes Between the Prime Minister of Israel and the Chairman of the PLO, 9- 10 September 1993*.

²³ Id., para 21.

END THE VIOLENCE

For Israelis and Palestinians alike the experience of the past several months has been intensely *personal*. Through relationships of kinship, friendship, religion, community and profession, virtually everyone in both societies has a link to someone who has been killed or seriously injured in the recent violence. We were touched by their stories. During our last visit to the region, we met with the families of Palestinian and Israeli victims. These individual accounts of grief were heart-rending and indescribably sad. Israeli and Palestinian families used virtually the same words to describe their grief.

When the widow of a murdered Israeli physician - a man of peace whose practice included the treatment of Arab patients - tells us that it seems that Palestinians are interested in killing Jews for the sake of killing Jews, Palestinians should take notice. When the parents of a Palestinian child killed while in his bed by an errant .50 caliber bullet draw similar conclusions about the respect accorded by Israelis to Palestinian lives, Israelis need to listen. When we see the shattered bodies of children we know it is time for adults to stop the violence.

With widespread violence, both sides have resorted to portrayals of the other in hostile stereotypes. This cycle cannot be easily broken. Without considerable determination and readiness to compromise, the rebuilding of trust will be impossible.

Cessation of Violence: Since 1991, the parties have consistently committed themselves, in all their agreements, to the path of nonviolence. They did so most recently in the two Sharm el-Sheikh summits of September 1999 and October 2000. To stop the violence now, the PA and GOI need not "reinvent the wheel." Rather, they should take immediate steps to end the violence, reaffirm their mutual commitments, and resume negotiations.

Resumption of Security Cooperation: Palestinian security officials told us that it would take some time - perhaps several weeks - for the PA to reassert full control over armed elements nominally under its command and to exert decisive influence over other armed elements operating in Palestinian areas. Israeli security officials have not disputed these assertions. What is important is that the PA make an all-out effort to enforce a complete cessation of violence and that it be clearly seen by the GOI as doing so. The GOI must likewise exercise a 100 percent effort to ensure that potential friction points, where Palestinians come into contact with armed Israelis, do not become stages for renewed hostilities.

The collapse of security cooperation in early October reflected the belief by each party that the other had committed itself to a violent course of action. If the parties wish to attain the standard of 100 percent effort to prevent violence, the immediate resumption of security cooperation is mandatory.

We acknowledge the reluctance of the PA to be seen as facilitating the work of Israeli security services absent an explicit political context (i.e., meaningful negotiations) and under the threat of Israeli settlement expansion. Indeed, security cooperation cannot be sustained without such negotiations and with ongoing actions seen as prejudicing the outcome of negotiations. However, violence is much more likely to continue without security cooperation. Moreover, without effective security cooperation, the parties will continue to regard all acts of violence as officially sanctioned.

In order to overcome the current deadlock, the parties should consider how best to revitalize security cooperation. We commend current efforts to that end. Effective cooperation depends on recreating and sustaining an atmosphere of confidence and good personal relations. It is for the parties themselves to undertake the main burden of day-to-day cooperation, but they should remain open to engaging the assistance of others in facilitating that work. Such outside assistance should be by mutual consent, should not threaten good bilateral working arrangements, and should not act as a tribunal or interpose between the parties. There was good security cooperation until last year that benefited from the good offices of the U.S. (acknowledged by both sides as useful), and was also supported indirectly by security projects and assistance from the European Union. The role of outside assistance should be that of creating the appropriate framework, sustaining goodwill on both sides, and removing friction

where possible. That framework must be seen to be contributing to the safety and welfare of both communities if there is to be acceptance by those communities of these efforts.

REBUILD CONFIDENCE

The historic handshake between Chairman Arafat and the late Prime Minister Rabin at the White House in September 1993 symbolized the expectation of both parties that the door to the peaceful resolution of differences had been opened. Despite the current violence and mutual loss of trust, both communities have repeatedly expressed a desire for peace. Channeling this desire into substantive progress has proved difficult. The restoration of trust is essential, and the parties should take affirmative steps to this end. Given the high level of hostility and mistrust, the timing and sequence of these steps are obviously crucial. This can be decided only by the parties. We urge them to begin the process of decision immediately.

Terrorism: In the September 1999 Sharm el-Sheikh Memorandum, the parties pledged to take action against "any threat or act of terrorism, violence or incitement." Although all three categories of hostilities are reprehensible, it was no accident that "terrorism" was placed at the top of the list.

Terrorism involves the deliberate killing and injuring of randomly selected noncombatants for political ends. It seeks to promote a political outcome by spreading terror and demoralization throughout a population. It is immoral and ultimately self-defeating. We condemn it and we urge that the parties coordinate their security efforts to eliminate it.

In its official submissions and briefings, the GOI has accused the PA of supporting terrorism by releasing incarcerated terrorists, by allowing PA security personnel to abet, and in some cases to conduct terrorist operations, and by terminating security cooperation with the GOI the PA vigorously denies the accusations. But Israelis hold the view that the PA's leadership has made no real effort over the past seven months to prevent anti-Israeli terrorism. The belief is, in and of itself, a major obstacle to the rebuilding of confidence.

We believe that the PA has a responsibility to help rebuild confidence by making clear to both communities that terrorism is reprehensible and unacceptable, and by taking all measures to prevent terrorist operations and to punish perpetrators. This effort should include immediate steps to apprehend and incarcerate terrorists operating within the PA's jurisdiction.

Settlements: The GOI also has a responsibility to help rebuild confidence. A cessation of Palestinian-Israeli violence will be particularly hard to sustain unless the GOI freezes all settlement construction activity. The GOI should also give careful consideration to whether settlements that are focal points for substantial friction are valuable bargaining chips for future negotiations or provocations likely to preclude the onset of productive talks.

The issue is, of course, controversial. Many Israelis will regard our recommendation as a statement of the obvious, and will support it. Many will oppose it. But settlement activities must not be allowed to undermine the restoration of calm and the resumption of negotiations.

During the half-century of its existence, Israel has had the strong support of the United States. In international forums, the U.S. has at times cast the only vote on Israel's behalf. Yet, even in such a close relationship there are some differences. Prominent among those differences is the U.S. Government's long-standing opposition to the GOI's policies and practices regarding settlements. As the then-Secretary of State, James A. Baker, III, commented on May 22, 1991:

Every time I have gone to Israel in connection with the peace process, on each of my four trips, I have been met with the announcement of new settlement activity. This does violate United States policy. It's the first thing that Arabs - Arab Governments, the first thing that the Palestinians in the territories - whose situation is really quite desperate - the first thing

they raise when we talk to them. I don't think there is any bigger obstacle to peace than the settlement activity that continues not only unabated but at an enhanced pace.²⁴

The policy described by Secretary Baker, on behalf of the Administration of President George H. W. Bush, has been, in essence, the policy of every American administration over the past quarter century.²⁵

Most other countries, including Turkey, Norway, and those of the European Union, have also been critical of Israeli settlement activity, in accordance with their views that such settlements are illegal under international law and not in compliance with previous agreements.

On each of our two visits to the region there were Israeli announcements regarding expansion of settlements, and it was almost always the first issue raised by Palestinians with whom we met. During our last visit, we observed the impact of 6,400 settlers on 140,000 Palestinians in Hebron²⁶ and 6,500 settlers on over 1,100,000 Palestinians in the Gaza Strip.²⁷ The GOI describes its policy as prohibiting new settlements but permitting expansion of existing settlements to accommodate "natural growth." Palestinians contend that there is no distinction between "new" and "expanded" settlements; and that, except for a brief freeze during the tenure of Prime Minister Yitzak Rabin, there has been a continuing, aggressive effort by Israel to increase the number and size of settlements.

The subject has been widely discussed within Israel. The Ha'aretz English Language Edition editorial of April 10, 2001 stated:

A government which seeks to argue that its goal is to reach a solution to the conflict with the Palestinians through peaceful means, and is trying at this stage to bring an end to the violence and terrorism, must announce an end to construction in the settlements.²⁸

The circumstances in the region are much changed from those which existed nearly 20 years ago. Yet, President Reagan's words remain relevant: "The immediate adoption of a settlements freeze by Israel, more than any other action, could create the confidence needed..."

Beyond the obvious confidence-building qualities of a settlement freeze, we note that many of the confrontations during this conflict have occurred at points where Palestinians, settlers, and security forces protecting the settlers, meet. Keeping both the peace and these friction points will be very difficult.

²⁴ Testimony before the United States House of Representatives Committee on Appropriations, 102nd Congress, May 22, 1991.

²⁵ On March 21, 1980, Secretary of State Cyrus Vance, speaking on behalf of the Carter Administration, stated: "U.S. policy toward the establishment of Israeli settlements in the occupied territories is unequivocal and has long been a matter of public record. We consider it to be contrary to international law and an impediment to the successful conclusion of the Middle East peace process."

On September 1, 1982, President Ronald Reagan announced what came to be known as The Reagan Plan for the Middle East, stating that: "[T]he immediate adoption of a settlements freeze by Israel, more than any other action, could create the confidence needed for wider participation in these talks. Further settlement activity is in no way necessary for the security of Israel and only diminishes the confidence of the Arabs that a final outcome can be freely and fairly negotiated."

On December 16, 1996, at a press conference, President Bill Clinton stated: "It just stands to reason that anything that preempts the outcome [of the negotiations]... cannot be helpful in making peace. I don't think anything should be done that would be seen as preempting the outcome." Asked if he viewed the settlements as an obstacle to peace, President Clinton replied, "Absolutely. Absolutely."

On April 5, 2001, a U.S. State Department spokesman, speaking for the current administration, stated: "Continuing settlement activity does risk inflaming an already volatile situation in the region"; he described that activity as "provocative."

²⁶ There are 400 settlers in the "H2" sector of central Hebron, and 6,000 in the Kiryat Arba settlement on the eastern edge of the city. See "An Introduction to the City of Hebron," published by the Temporary International Presence in Hebron.

²⁷ Central Intelligence Agency, *The World Factbook* 2000.

²⁸ *Ha'aretz*, English Language Edition, April 10, 2001, p. 5.

Reducing Tension: We were told by both Palestinians and Israelis that emotions generated by the many recent deaths and funerals have fueled additional confrontations, and, in effect, maintained the cycle of violence. We cannot urge one side or the other to refrain from demonstrations. But both sides must make clear that violent demonstrations will not be tolerated. We can and do urge that both sides exhibit a greater respect for human life when demonstrators confront security personnel. In addition, a renewed effort to stop the violence might feature, for a limited time, a "cooling off" period during which public demonstrations at or near friction points will be discouraged in order to break the cycle of violence. To the extent that demonstrations continue, we urge that demonstrators and security personnel keep their distance from one another to reduce the potential for lethal confrontation.

Actions and Responses: Members of the Committee staff witnessed an incident involving stone throwing in Ramallah from the perspectives, on the ground, of both sides. The people confronting one another were mostly young men. The absence of senior leadership on the IDF side was striking. Likewise, the absence of responsible security and other officials counseling restraint on the Palestinian side was obvious.

Concerning such confrontations, the GOI takes the position that "Israel is engaged in an armed conflict short of war. This is not a civilian disturbance or a demonstration or a riot. It is characterized by live-fire attacks on a significant scale [emphasis added] ... [T]he attacks are carried out by a well-armed and organized militia..."²⁹ Yet, the GOI acknowledges that of some 9,000 "attacks" by Palestinians against Israelis, "some 2,700 [about 30 percent] involved the use of automatic weapons, rifles, hand guns, grenades, [and] explosives of other kinds."³⁰

Thus, for the first three months of the current uprising, most incidents did not involve Palestinian use of firearms and explosives. B'Tselem reported that, "according to IDF figures, 73 percent of the incidents [from September 29 to December 2, 2000] did not include Palestinian gunfire. Despite this, it was in these incidents that most of the Palestinians [were] killed and wounded...."³¹ Altogether, nearly 500 people were killed and over 10,000 injured over the past seven months; the overwhelming majority in both categories were Palestinian. Many of these deaths were avoidable, as were many Israeli deaths.

Israel's characterization of the conflict, as noted above, is overly broad, for it does not adequately describe the variety of incidents reported since late September 2000. Moreover, by thus defining the conflict, the IDF has suspended its policy of mandating investigations by the Department of Military Police Investigations whenever a Palestinian in the territories dies at the hands of an IDF soldier in an incident not involving terrorism. In the words of the GOI, "Where Israel considers that there is reason to investigate particular incidents, it does so, although, given the circumstances of armed conflict, it does not do so routinely."³² We believe, however, that by abandoning the blanket "armed conflict short of war" characterization and by re-instituting mandatory military police investigations, the GOI could help mitigate deadly violence and help rebuild mutual confidence. Notwithstanding the danger posed by stone-throwers, an effort should be made to differentiate between terrorism and protests.

Controversy has arisen between the parties over what Israel calls the "targeting of individual enemy combatants."³³ The PLO describes these actions as "extra-judicial executions,"³⁴ and claims that Israel has engaged in an "assassination policy" that is "in clear violation of Article 32 of the Fourth Geneva

²⁹ GOI, *First Statement*, para 286.

³⁰ *Id.*, para 189.

³¹ B'Tselem, *Illusions of Restraint: Human Rights Violations During the Events in the Occupied Territories, 29 September-2 December 2000*, December 2000, p. 4.

³² GOI, *First Statement*, para 306. "The stated policy of the IDF is that whenever a Palestinian in the Occupied Territories dies at the hands of a soldier, an investigation is to be made by the Department of Military Police Investigations (MPI), except in cases defined as 'hostile terrorist activity.'" See B'Tselem, *Illusions of Restraint*, p. 24. See also, Alex Fishman, "The Intifada, the IDF and Investigations," *Yediot Aharonot* (in English, Richard Bell Press, 1996, Ltd.), January 19, 2001.

³³ GOI, *Second Statement*, para 69-80.

³⁴ PLO, *Third Submission*, p. 69.

Convention...³⁵ The GOI states that, "whatever action Israel has taken has been taken firmly within the bounds of the relevant and accepted principles relating to the conduct of hostilities."³⁶

With respect to demonstrations, the GOI has acknowledged "that individual instances of excessive response may have occurred. To a soldier or a unit coming under Palestinian attack, the equation is not that of the Israeli army versus some stone throwing Palestinian protesters. It is a personal equation."³⁷

We understand this concern, particularly since rocks can maim or even kill. It is no easy matter for a few young soldiers, confronted by large numbers of hostile demonstrators, to make fine legal distinctions on the spot. Still, this "personal equation" must fit within an organizational ethic; in this case, *The Ethical Code of the Israel Defense Forces*, which states, in part:

The sanctity of human life in the eyes of the IDF servicemen will find expression in all of their actions, in deliberate and meticulous planning, in safe and intelligent training and in proper execution of their mission. In evaluating the risk to self and others, they will use the appropriate standards and will exercise constant care to limit injury to life to the extent required to accomplish the mission.³⁸

Those required to respect the IDF ethical code are largely draftees, as the IDF is a conscript force. Active duty enlisted personnel, noncommissioned officers and junior officers - the categories most likely to be present at friction points - are young, often teenagers. Unless more senior career personnel or reservists are stationed at friction points, no IDF personnel present in these sensitive areas have experience to draw upon from previous violent Israeli-Palestinian confrontations. We think it is essential, especially in the context of restoring confidence by minimizing deadly confrontations, that the IDF deploy more senior, experienced soldiers to these sensitive points.

There were incidents where IDF soldiers have used lethal force, including live ammunition and modified metal-cored rubber rounds, against unarmed demonstrators throwing stones.³⁹ The IDF should adopt crowd-control tactics that minimize the potential for deaths and casualties, withdrawing metal-cored rubber rounds from general use and using instead rubber baton rounds without metal cores.

We are deeply concerned about the public safety implications of exchanges of fire between populated areas, in particular between Israeli settlements and neighboring Palestinian villages. Palestinian gunmen have directed small arms fire at Israeli settlements and at nearby IDF positions from within or adjacent to civilian dwellings in Palestinian areas, thus endangering innocent, Israeli and Palestinian civilians alike. We condemn the positioning of gunmen within or near civilian dwellings. The IDF often responds to such gunfire with heavy caliber weapons, sometimes resulting in deaths and injuries to innocent Palestinians. An IDF officer told us at the Ministry of Defense on March 23, 2001 that, "When shooting comes from a building we respond, and sometimes there are innocent people in the building." Obviously, innocent people are injured and killed during exchanges of this nature. We urge that such provocations cease and that the IDF exercise maximum restraint in its responses if they do occur. Inappropriate or excessive uses of force often lead to escalation.

We are aware of IDF sensitivities about these subjects. More than once we were asked: "What about Palestinian rules of engagement? What about a Palestinian code of ethics for their military personnel?" These are valid questions.

³⁵ Id., p. 60.

³⁶ GOI, *Second Statement*, para 78.

³⁷ GOI, *First Statement*, para 305.

³⁸ Israel Defense Forces, *The Ethical Code of the Israel Defense Forces*.

³⁹ See, e.g., U.S. Department of State, *Country Reports on Human Rights Practices, 2000 (Occupied Territories)*. See also, B'Tselem, *Illusions of Restraint*, pp. 15-16, reporting on the alleged practice of separating rubber bullets into individual rounds, as opposed to firing them properly in a bound cluster of three. Separation increases range and lethality.

On the Palestinian side there are disturbing ambiguities in the basic areas of responsibility and accountability. The lack of control exercised by the PA over its own security personnel and armed elements affiliated with the PA leadership is very troubling. We urge the PA to take all necessary steps to establish a clear and unchallenged chain of command for armed personnel operating under its authority. We recommend that the PA institute and enforce effective standards of conduct and accountability, both within the uniformed ranks and between the police and the civilian political leadership to which it reports.

Incitement: In their submissions and briefings to the Committee, both sides expressed concerns about hateful language and images emanating from the other, citing numerous examples of hostile sectarian and ethnic rhetoric in the Palestinian and Israeli media, in school curricula and in statements by religious leaders, politicians and others.

We call on the parties to renew their formal commitments to foster mutual understanding and tolerance and to abstain from incitement and hostile propaganda. We condemn hate language and incitement in all its forms. We suggest that the parties be particularly cautious about using words in a manner that suggests collective responsibility.

Economic and Social Impact of Violence: Further restrictions on the movement of people and goods have been imposed by Israel on the West Bank and the Gaza Strip. These closures take three forms: those which restrict movement between the Palestinian areas and Israel; those (including curfews) which restrict movement within the Palestinian areas; and those which restrict movement from the Palestinian areas to foreign countries. These measures have disrupted the lives of hundreds of thousands of Palestinians; they have increased Palestinian unemployment to an estimated 40 percent, in part by preventing some 140,000 Palestinians from working in Israel; and have stripped away about one-third of the Palestinian gross domestic product. Moreover, the transfer of tax and customs duty revenues owed to the PA by Israel has been suspended, leading to a serious fiscal crisis in the PA.

Of particular concern to the PA has been the destruction by Israeli security forces and settlers of tens of thousands of olive and fruit trees and other agricultural property. The closures have had other adverse effects, such as preventing civilians from access to urgent medical treatment and preventing students from attending school.

The GOI maintains that these measures were taken in order to protect Israeli citizens from terrorism. Palestinians characterize these measures as "collective punishment." The GOI denies the allegation:

Israel has not taken measures that have had an economic impact simply for the sake of taking such measures or for reasons of harming the Palestinian economy. The measures have been taken for reasons of security. Thus, for example, the closure of the Palestinian territories was taken in order to prevent, or at least minimize the risks of, terrorist attacks. ... The Palestinian leadership has made no attempt to control this activity and bring it to an end.⁴⁰

Moreover, the GOI points out that violence in the last quarter of 2000 cost the Israeli economy \$1.2 billion (USD), and that the loss continues at a rate of approximately \$150 million (USD) per month.⁴¹

We acknowledge Israel's security concerns. We believe, however, that the GOI should lift closures, transfer to the PA all revenues owed, and permit Palestinians who have been employed in Israel to return to their jobs. Closure policies play into the hands of extremists seeking to expand their constituencies and thereby contribute to escalation. The PA should resume cooperation with Israeli security agencies to ensure that Palestinian workers employed within Israel are fully vetted and free of connections to terrorists and terrorist organizations.

International development assistance has from the start been an integral part of the peace process, with an aim to strengthen the socio-economic foundations for peace. This assistance today is more important than ever. We urge the international community to sustain the development agenda of the peace process.

⁴⁰ GOI, *Second Statement*, para 92.

⁴¹ *Id.*, para 89.

Holy Places: It is particularly regrettable that places such as the Temple Mount/Haram al-Sharif in Jerusalem, Joseph's Tomb in Nablus, and Rachel's Tomb in Bethlehem have been the scenes of violence, death and injury. These are places of peace, prayer and reflection which must be accessible to all believers.

Places deemed holy by Muslims, Jews, and Christians merit respect, protection and preservation. Agreements previously reached by the parties regarding holy places must be upheld. The GOI and the PA should create a joint initiative to defuse the sectarian aspect of their political dispute by preserving and protecting such places. Efforts to develop inter-faith dialogue should be encouraged.

International Force: One of the most controversial subjects raised during our inquiry was the issue of deploying an international force to the Palestinian areas. The PA is strongly in favor of having such a force to protect Palestinian civilians and their property from the IDF and from settlers. The GOI is just as adamantly opposed to an "international protection force," believing that it would prove unresponsive to Israeli security concerns and interfere with bilateral negotiations to settle the conflict.

We believe that to be effective such a force would need the support of both parties. We note that international forces deployed in this region have been or are in a position to fulfill their mandates and make a positive contribution only when they were deployed with the consent of all of the parties involved.

During our visit to Hebron, we were briefed by personnel of the Temporary International Presence in Hebron (TIPH), a presence to which both parties have agreed. The TIPH is charged with observing an explosive situation and writing reports on their observations. If the parties agree, as a confidence-building measure, to draw upon TIPH personnel to help them manage other friction points, we hope that TIPH contributors could accommodate such a request.

Cross-Community Initiatives: Many described to us the near absolute loss of trust. It was all the more inspiring, therefore, to find groups (such as the Parent's Circle and the Economic Cooperation Foundation) dedicated to cross-community understanding in spite of all that has happened. We commend them and their important work.

Regrettably, most of the work of this nature has stopped during the current conflict. To help rebuild confidence, the GOI and PA should jointly endorse and support the work of Israeli and Palestinian non-governmental organizations (NGOs) already involved in confidence-building through initiatives linking both sides. It is important that the PA and GOI support cross-community organizations and initiatives, including the provision of humanitarian assistance to Palestinian villages by Israeli NGOs. Providing travel permits for participants is essential. Cooperation between the humanitarian organizations and the military/security services of the parties should be encouraged and institutionalized.

Such programs can help build, albeit slowly, constituencies for peace among Palestinians and Israelis and can provide safety nets during times of turbulence. Organizations involved in this work are vital for translating good intentions into positive actions.

RESUME NEGOTIATIONS

Israeli leaders do not wish to be perceived as "rewarding violence." Palestinian leaders do not wish to be perceived as "rewarding occupation." We appreciate the political constraints on leaders of both sides. Nevertheless, if the cycle of violence is to be broken and the search for peace resumed, there needs to be a new bilateral relationship incorporating both security cooperation and negotiations.

We cannot prescribe to the parties how best to pursue their political objectives. Yet the construction of a new bilateral relationship solidifying and transcending an agreed cessation of violence requires intelligent risk-taking. It requires, in the first instance, that each party again be willing to regard the other as a partner. Partnership, in turn, requires at this juncture something more than was agreed in the Declaration of Principles and in subsequent agreements. Instead of declaring the peace process to be "dead," the parties should determine how they will conclude their common journey along their agreed "road map," a journey which began in Madrid and continued - in spite of problems - until very recently.

To define a starting point is for the parties to decide. Both parties have stated that they remain committed to their mutual agreements and undertakings. It is time to explore further implementation. The parties should declare their intention to meet on this basis, in order to resume full and meaningful negotiations, in the spirit of their undertakings at Sharm el-Sheikh in 1999 and 2000.

Neither side will be able to achieve its principal objectives unilaterally or without political risk. We know how hard it is for leaders to act - especially if the action can be characterized by political opponents as a concession - without getting something in return. The PA must - as it has at previous critical junctures - take steps to reassure Israel on security matters. The GOI must - as it has in the past - take steps to reassure the PA on political matters. Israelis and Palestinians should avoid, in their own actions and attitudes, giving extremists, common criminals and revenge seekers the final say in defining their joint future. This will not be easy if deadly incidents occur in spite of effective cooperation. Notwithstanding the daunting difficulties, the very foundation of the trust required to re-establish a functioning partnership consists of each side making such strategic reassurances to the other.

RECOMMENDATIONS

The GOI and the PA must act swiftly and decisively to halt the violence. Their immediate objectives then should be to rebuild confidence and resume negotiations. What we are asking is not easy. Palestinians and Israelis - not just their leaders, but two publics at large - have lost confidence in one another. We are asking political leaders to do, for the sake of their people, the politically difficult: to lead without knowing how many will follow.

During this mission our aim has been to fulfill the mandate agreed at Sharm el-Sheikh. We value the support given our work by the participants at the summit, and we commend the parties for their cooperation. Our principal recommendation is that they recommit themselves to the Sharm el-Sheikh spirit, and that they implement the decisions made there in 1999 and 2000. We believe that the summit participants will support bold action by the parties to achieve these objectives.

END THE VIOLENCE

- The GOI and the PA should reaffirm their commitment to existing agreements and undertakings and should immediately implement an unconditional cessation of violence. Anything less than a complete effort by both parties to end the violence will render the effort itself ineffective, and will likely be interpreted by the other side as evidence of hostile intent.
- The GOI and PA should immediately resume security cooperation. Effective bilateral cooperation aimed at preventing violence will encourage the resumption of negotiations. We are particularly concerned that, absent effective, transparent security cooperation, terrorism and other acts of violence will continue and may be seen as officially sanctioned whether they are or not. The parties should consider widening the scope of security cooperation to reflect the priorities of both communities and to seek acceptance for these efforts from those communities.

We acknowledge the PA's position that security cooperation presents a political difficulty absent a suitable political context, i.e., the relaxation of stringent Israeli security measures combined with ongoing, fruitful negotiations. We also acknowledge the PA's fear that, with security cooperation in hand, the GOI may not be disposed to deal forthrightly with Palestinian political concerns. We believe that security cooperation cannot long be sustained if meaningful negotiations are unreasonably deferred, if security measures "on the ground" are seen as hostile, or if steps are taken that are perceived as provocative or as prejudicing the outcome of negotiations.

REBUILD CONFIDENCE

- The PA and GOI should work together to establish a meaningful "cooling off period" and implement additional confidence building measures, some of which were proposed in the October 2000 Sharm el-Sheikh Statement and some of which were offered by the U.S. on January 7, 2001 in Cairo.

- The PA and GOI should resume their efforts to identify, condemn and discourage incitement in all its forms.
- The PA should make clear through concrete action to Palestinians and Israelis alike that terrorism is reprehensible and unacceptable, and that the PA will make a 100 percent effort to prevent terrorist operations and to punish perpetrators. This effort should include immediate steps to apprehend and incarcerate terrorists operating within the PA's jurisdiction.
- The GOI should freeze all settlement activity, including the "natural growth" of existing settlements.

The kind of security cooperation desired by the GOI cannot for long co-exist with settlement activity described very recently by the European Union as causing "great concern" and by the U.S. as "provocative."

- The GOI should give careful consideration to whether settlements which are focal points for substantial friction are valuable bargaining chips for future negotiations or provocations likely to preclude the onset of productive talks.
 - The GOI may wish to make it clear to the PA that a future peace would pose no threat to the territorial contiguity of a Palestinian State to be established in the West Bank and the Gaza Strip.
- The IDF should consider withdrawing to positions held before September 28, 2000 which will reduce the number of friction points and the potential for violent confrontations.
 - The GOI should ensure that the IDF adopt and enforce policies and procedures encouraging non-lethal responses to unarmed demonstrators, with a view to minimizing casualties and friction between the two communities. The IDF should:
 - Re-institute, as a matter of course, military police investigations into Palestinian deaths resulting from IDF actions in the Palestinian territories in incidents not involving terrorism. The IDF should abandon the blanket characterization of the current uprising as "an armed conflict short of war," which fails to discriminate between terrorism and protest.
 - Adopt tactics of crowd-control that minimize the potential for deaths and casualties, including the withdrawal of metal-cored rubber rounds from general use.
 - Ensure that experienced, seasoned personnel are present for duty at all times at known friction points.
 - Ensure that the stated values and standard operating procedures of the IDF effectively instill the duty of caring for Palestinians in the West Bank and Gaza Strip as well as Israelis living there, consistent with *The Ethical Code of the IDF*.
 - The GOI should lift closures, transfer to the PA all tax revenues owed, and permit Palestinians who had been employed in Israel to return to their jobs; and should ensure that security forces and settlers refrain from the destruction of homes and roads, as well as trees and other agricultural property in Palestinian areas. We acknowledge the GOI's position that actions of this nature have been taken for security reasons. Nevertheless, their economic effects will persist for years.
 - The PA should renew cooperation with Israeli security agencies to ensure, to the maximum extent possible, that Palestinian workers employed within Israel are fully vetted and free of connections to organizations and individuals engaged in terrorism.
 - The PA should prevent gunmen from using Palestinian populated areas to fire upon Israeli populated areas and IDF positions. This tactic places civilians on both sides at unnecessary risk.
 - The GOI and IDF should adopt and enforce policies and procedures designed to ensure that the response to any gunfire emanating from Palestinian populated areas minimizes the danger to the lives and property of Palestinian civilians, bearing in mind that it is probably the objective of gunmen to elicit an excessive IDF response.
 - The GOI should take all necessary steps to prevent acts of violence by settlers.
 - The parties should abide by the provisions of the Wye River Agreement prohibiting illegal weapons.
 - The PA should take all necessary steps to establish a clear and unchallenged chain of command for armed personnel operating under its authority.

- The PA should institute and enforce effective standards of conduct and accountability, both within the uniformed ranks and between the police and the civilian political leadership to which it reports.
- The PA and GOI should consider a joint undertaking to preserve and protect holy places sacred to the traditions of Muslims, Jews, and Christians. An initiative of this nature might help to reverse a disturbing trend: the increasing use of religious themes to encourage and justify violence.
- The GOI and PA should jointly endorse and support the work of Palestinian and Israeli non-governmental organizations (NGOs) involved in cross-community initiatives linking the two peoples. It is important that these activities, including the provision of humanitarian aid to Palestinian villages by Israeli NGOs, receive the full backing of both parties.

RESUME NEGOTIATIONS

- We reiterate our belief that a 100 percent effort to stop the violence, an immediate resumption of security cooperation and an exchange of confidence building measures are all important for the resumption of negotiations. Yet none of these steps will long be sustained absent a return to serious negotiations. It is not within our mandate to prescribe the venue, the basis or the agenda of negotiations. However, in order to provide an effective political context for practical cooperation between the parties, negotiations must not be unreasonably deferred and they must, in our view, manifest a spirit of compromise, reconciliation and partnership, notwithstanding the events of the past seven months.
- In the spirit of the Sharm el-Sheikh agreements and understandings of 1999 and 2000, we recommend that the parties meet to reaffirm their commitment to signed agreements and mutual understandings, and take corresponding action. This should be the basis for resuming full and meaningful negotiations.

The parties are at a crossroads. If they do not return to the negotiating table, they face the prospect of fighting it out for years on end, with many of their citizens leaving for distant shores to live their lives and raise their children. We pray they make the right choice. That means stopping the violence now. Israelis and Palestinians have to live, work, and prosper together. History and geography have destined them to be neighbors. That cannot be changed. Only when their actions are guided by this awareness will they be able to develop the vision and reality of peace and shared prosperity.

Suleyman Demirel, 9th President of the Republic of Turkey

Thorbjørn Jagland, Minister of Foreign Affairs of Norway

George J. Mitchell, Chairman, Former Member and Majority Leader of the United States Senate

Warren B. Rudman, Former Member of the United States Senate

Javier Solana, High Representative for the Common Foreign and Security Policy, European Union



**PRESIDENT YASSER ARAFAT, ADDRESS TO THE MEETING OF THE FOREIGN
MINISTERS OF THE COUNTRIES OF NON-ALIGNED MOVEMENT (NAM),
MEMBERS IN THE COMMITTEE ON PALESTINE AND THE NAM CAUCUS
OF THE UN SECURITY COUNCIL, PRETORIA, 3 MAY 2001**

H E Brother President Thabo Mbeki, President of the Republic of South Africa, Excellencies, the Minister of Foreign Affairs Ambassadors of the Countries of the NAM, members in the Committee on Palestine and the NAM Caucus in the UN Security Council, Ladies and Gentlemen,

Allow me, at the start, to convey our deepest thanks and appreciation to the friendly Republic of South Africa and its President, H E Thabo Mbeki for this initiative. It is an initiative that reflects the devotion shown by South Africa and the countries, members in NAM and in the Committee of Palestine, towards Palestine, its people and its cause. It also shows the interest of the leaders of these member countries in the developments that are accelerating in the Middle East, especially the far-reaching Israeli occupation and aggression against our Palestinian people. I would like also to convey our greetings to President Nelson Mandela.

Mr. President, Excellencies, the Ministers, Ambassadors, Ladies and Gentlemen,

The escalation of the ongoing Israeli war of aggression against the Palestinian people, in which Israel is using an array of internationally prohibited weapons along with the closure and blockade of 3,2 million Palestinians, - a war of aggression that is about to enter its ninth month – represents a dangerous Israeli tendency that shakes the foundation of international and regional stability. This stability was in the process of being consecrated as a result of the peace process and the limited progress achieved on its path. The international community became aware of the dangers created by Israel on both the human and political levels. Thus the UN Commission on Human Rights took the initiative in condemning the Israeli crimes committed in this all-out war against the Palestinian people. The UN Security Council condemned also in its Resolution 1322 the use by Israel of excessive force. There is also the recent US position, namely, their demand that Israeli forces withdraws immediately from the Palestinian territories under full Palestinian jurisdiction which we call area "A" following its recent re-occupation by the Israeli Army of Gaza Strip. There are as well, the decisions and resolutions adopted by the European Union, Russia, China, Japan, and the Non-Aligned, the Islamic and the Arab countries. All these have formed an international consensus that condemns aggression and caution against its dangers regionally and internationally.

Therefore, I view this initiative with great interest and pride. I am really betting on the effectiveness of your joint efforts, whether within the framework of the Non-Aligned Movement or any other framework. In so doing, I take into consideration that the members of the committee on Palestine and the NAM Caucus are active on the international scene on all levels.

Mr. President, Excellencies, the Ministers, Ladies and Gentlemen,

Our Palestinian people are subjected to an ugly Israeli occupation that continues since 1967 and aggression as well as to a war of destruction and annihilation that threatens their life, property, and human and national rights. The number of our martyrs and wounded over the recent few months exceeded 24000. All this is in addition to what the Palestinians are exposed to as a result of the ongoing military escalation from land, sea and air; the use of the internationally prohibited weapons; the siege imposed on our towns, villages and refugee camps; the siege and blockade imposed on supply and the economy to starve our people, including medical; the holding of our tax revenues; the closure and destruction of our water resources; the bulldozing of agricultural lands, including olive trees which were planted thousands of years ago, from the Roman era; the assassination of leaders in an unprecedented manner in our contemporary era; the massive detentions of our populace; the destruction of religious sites, residential areas and medical, tourist, education and official institutions and facilities; the destruction of many of our industrial areas; the banning of importing primary goods for these industrial areas; the dismissal of our workers, so much that the number of workers unemployed exceeds 360 000; and even forbidding our fishermen to fish on the sea.

All this makes it pertinent that we all make joint and coordinated action to confront this military escalation and racist aggression as well as their repercussions on our people. We should put in the first place, the right of our Palestinian people to receive immediate international protection to stop the ongoing Israeli aggression against our Palestinian people, their Christian and Islamic holy sites in Holy Jerusalem, Hebron, Bethlehem, Beit Jala, Beit Sahour and other areas. Also we should stop the daily and bloody killing of our masses. I would like to thank your distinguished Caucus for its effective support and help in this regard. I look forward to continue the work with you at the United Nations, the Security Council and at other international fora so that this legitimate human right is not taken off the UN agenda by the veto power, and is not dropped by the force of the various attempts that aim at emptying UN resolutions from their real contents.

Mr. President, Excellencies, the Ministers, Ladies and Gentlemen,

Our Palestinian people have decided not to walk away, under any circumstances, from international legality. They have decided not to lose hope in the possibility that this legality will come to the support of their rights and aspirations. Our people have proved by adopting this correct and civilized attitude, that they can define the effective and convincing bases for peace and stability in the ME vis-à-vis the Palestinian cause. International legality has the definite and satisfactory answers to all ques-

tions and elements of the ME conflict. On the basis of international legality and its resolutions we demand the Israeli withdrawal from all the Palestinian and Arab territories occupied in June 1967, including Holy Jerusalem, in accordance with UN Security Council Resolutions 242 and 338 and on the basis of the Madrid Peace Conference "land for peace".

Also on the basis of this international legality, we demand a just solution for the refugee problem, which is the basis of the Palestinian cause and forms its human and political context, this solution must be in accordance with UNGA Resolution 194.

On the basis of international legality, we work for and demand the cessation of the crimes committed by the Israeli settlers against our people and our religious holy places. We demand the removal of the settlement phenomena in accordance with the signed agreements and international resolutions. It is a phenomenon that is rejected on the international level and is illegal and destructive to peace not recognized by any international party. I here would like to appreciate the statement made yesterday by the Secretary of State, Colin Powell, concerning his demand to cease settlement activities including those expansions within existing settlements.

These are the bases for demanding our rights. These are also the solid foundations of a permanent, just and comprehensive peace, the peace of the brave, which I have contracted and agreed upon with my late partner Israeli Prime Minister Yitzhak Rabin who was assassinated by the Israeli extremists. This is the peace that realizes the interests of all and guarantees security and safety for all.

Mr. President, Excellencies, the Ministers

Allow me from here, to salute with confidence and appreciation, the countries of NAM who have never wavered in their indefatigable and effective work on behalf of Palestine and the rights of its people; for the protection of the Christian and Islamic Holy Places which are facing today ongoing difficulties, challenges, threats and violations perpetrated by the Israeli occupiers; and for your protection of the peace of the brave, the permanent, just and comprehensive peace, in the ME and the whole world.

From here, I would like also to salute the state of South Africa, the ally of Palestine. I would like to salute all the peoples yearning from freedom and independence. I salute the great people of South Africa who have presented, and still do present, a viable model, full of life, for the persistent struggle against racism and for freedom and independence.

I draw my confidence from your support and from your continuous efforts here, in all fora and at all difficult junctures.

Before concluding I would like to point out to the efforts being exerted by our brothers in Egypt and Jordan in their Egyptian-Jordanian initiative. This initiative was approved by the European Union, Russia and the USA. It is supported by the Arab Summit. Lastly, and following much exerted efforts, Israel sent Mr. Shimon Peres to discuss it with our brothers in Egypt and Jordan. We hope that this will lead to calm down the dangerous situation through which the Palestinian people pass through as a result of the Israeli escalation and the economic and financial blockade. We hope that it will also bring back the situation to the status where it was before 28 September 2000, and will start the negotiations from the point we arrived at then including what has been agreed upon at Sharm Sheikh in the presence of President Clinton, King Abdalla, Mr. Kofi Annan and Mr. Xavier Solana and under the hospitality of President Mubarak.

Finally, I convey the greetings of our struggling people in Holy Jerusalem and Palestine, the Holy Land. Our Palestinian people who have written wonderful stories of heroism and sacrifice. They are a people who have written the chapters of the highest forms of steadfastness and courage: both in terms of principle and aims. They are the people who really deserve your support and solidarity in order to be able to regain their legitimate rights including their right to return, to self determination and to establish their independent state, on their national soil, with Holy Jerusalem as its capital.

I would like to take this opportunity to extend my deepest appreciation to President Thabo Mbeki for the efforts he has been exerted and will exert for the cause of peace in the region and for the Palestinian People.

Allow me also to extend my appreciation to my dear sister Foreign Minister for your wonderful efforts as the one heading this meeting.

Before I end my message, I would like to reiterate what was agreed between me and HE President Mbeki, and what I said this morning after my meeting with ex-President Mandela.

I reiterate my full commitment to the peace process and all agreements signed. The language of violence and bombardment will not serve the interests of Palestinians or Israelis.

Therefore in front of this distinguished gathering, I announce my full acceptance and commitment to the Egypt-Jordanian proposal.

I do this with no reservation for the cause of a comprehensive, lasting and just peace in order to revive the hopes of peace and put the peace process back on its right track.

I do so on behalf of the interests of the Israeli people, the Palestinian people and the people of the Middle Eastern Region.

I am making this commitment in front of President Mbeki and I count on you all.

I send this to Mr. Sharon; the Prime Minister of Israel, saying my commitment to peace is for peace and security for your children and our children and for the stability and peace of the whole Middle-East region.

I thank you and may God grant us success in the best interest of our people.

Peace be with you and God's mercy and blessings be upon you.



**COMMITTEE ON PALESTINE OF THE NON-ALIGNED MOVEMENT,
COMMUNIQUE OF THE MINISTERIAL MEETING, PRETORIA, 3 MAY 2001**

1. The Ministerial Meeting of the Committee on Palestine of the Non-Aligned Movement (NAM) invited the Members of the NAM Caucus of the Security Council, the Foreign Ministers of Egypt and Jordan, the representative of the UN Secretary-General, and the Chairman of the UN Committee on the Exercise of the Inalienable Rights of the Palestinian People, to a meeting in Pretoria, South Africa, on 3 May 2001. The Meeting was opened by H.E. Mr. Thabo Mbeki, President of South Africa and Chairman of the Movement, and was addressed by H.E. President Yasser Arafat of Palestine. The Meeting was convened to consider the tragic situation in the Occupied Palestinian Territory, including Jerusalem, the derailment of the Middle East peace process, and the dangerously deteriorating situation in the Middle East as a whole.
2. The Ministers reiterated the traditional support of the Movement for the Palestinian people and the realization of their inalienable rights, including the establishment of their Independent State with Jerusalem as its capital. They reiterated the Movement's support for the Middle East peace process on its agreed basis, including the principle of land for peace, and stressed the importance of the establishment of comprehensive peace in the Middle East region.
3. The Ministers also reiterated the permanent responsibility of the United Nations towards the question of Palestine. In this regard, they stressed the specific responsibilities of the Security Council in accordance with the Charter of the United Nations. They welcomed the involvement of the Secre-

tary-General in the Middle East peace process and they also expressed their support for the work of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

4. Guided by the clear positions taken by the XII Summit of NAM held in Durban, South Africa in September 1998, as well as the Ministerial meetings held since the Summit, the Ministers specifically called for the following:

4.1 Reinvigorating the Middle East peace process.

The Ministers called for the immediate implementation of the existing Palestinian-Israeli agreements and for the resumption of negotiations on a final settlement agreement covering all issues, with the aim of implementing Security Council resolution 242 (1967) and 338 (1973) and taking into consideration the progress made by the parties in previous negotiations.

The Ministers called upon the cosponsors of the peace process and all other concerned and interested parties to support existing Israeli-Palestinian agreements and their implementation, as well as to increase their engagement towards the successful and speedy conclusion of a final settlement. The Ministers expressed their support in this regard for the Egyptian-Jordanian initiative. In this regard they welcomed the commitment made and support expressed by President Arafat to the said initiative.

4.2 Cessation of violence, destruction and punishing measures.

The Ministers called for an end to the excessive use of force by the Israeli occupying forces, cessation of destruction, closures, extrajudicial killings and all kinds of collective punishment against the Palestinian people. They also called for the immediate and full cessation of all settlement activities, which are illegal under international law. The Ministers also called on the parties to take the necessary steps and confidence building measures to bring the bloodshed and deterioration of the situation to an end. The Ministers called for the full implementation of Security Council resolution 1322 (2000) and resolution ES-10/7 of the tenth emergency special session of the General Assembly. They also called for the immediate implementation of the understandings reached at Sharm El-Sheik, Egypt, including the return to positions and arrangements prior to 28 September 2000.

4.3 The provision of protection for Palestinian civilians under Israeli occupation.

The Ministers noted previous attempts to provide for appropriate international presence in the Occupied Palestinian Territory, including Jerusalem, to contribute in the provision of protection for Palestinian civilians. They also noted with appreciation the recent initiatives by the NAM Caucus to establish through the United Nations Security Council a mechanism for such protection, including the establishment of a United Nations observer force. The Ministers stressed the critical importance for the provision of protection for Palestinian civilians, including through action by the Security Council.

4.4 Enforcement of the Fourth Geneva Convention in the Occupied Palestinian Territory, including Jerusalem.

The Ministers stressed the necessity of upholding international humanitarian law and recalled the obligations of the High Contracting Parties to the four Geneva Conventions to respect and ensure respect of the Conventions in accordance with common article 1 of the four Conventions. They called for the resumption of the Conference of High Contracting Parties of the Fourth Geneva Convention in accordance with the statement adopted by the Conference on 15 July 1999 in Geneva and in light of the continuing grave breaches and serious violations of the Convention by Israel, the occupying Power.

5. In conclusion, the Ministers decided to remain seized with the matter and called for all Members of the Movement to lend their full support towards achieving the above-mentioned goals. In this regard, they expressed their appreciation to the Members of the NAM Security Council Caucus for their efforts. They also urged Members of the international community to work with Members of the Movement with the aim of reaching agreement on the necessary steps to be taken. The Ministers recommended that the Movement mandate the Chair to work with the various forces influential in the Middle East conflict for the achievement of a just, durable and comprehensive peace which will enable the Palestinian people to exercise their inalienable rights in freedom and sovereignty in their independent homeland.



**ISRAELI PEACE COALITION, STATEMENT OF PRINCIPLES,
JERUSALEM, 8 MAY 2001**

[Leading members of Peace Now, Netivot Shalom, The Bereaved Family Forum, Meretz, Labor Party and the Democratic Choice met to discuss the mobilization of an opposition to the hawkish Sharon govt. and launch a public campaign in support of the Egyptian-Jordanian peace initiative.]

We, representatives of the Israeli peace camp, have decided to work together to present an ideological and active alternative to the Sharon government and its policies - policies that endanger the peace and security of Israel.

The following principles will serve as guidelines for our joint activities:

The framework for a final Palestinian-Israeli accord was delineated in the negotiations conducted between the Barak government and the Palestine Authority. This framework was revealed in the Clinton proposal and was very close to agreement in the course of the Taba talks. The urgent need to end the Israeli occupation in the territories through a resumption of negotiations for a final peace accord is our starting point for an alternative to the policy of the government.

We view the leadership of the Palestine Authority as the only legitimate partner for negotiations. This leadership was the partner for the governments of Rabin, Peres, Netanyahu and Barak in negotiations for a peace agreement through which two states would be created, side-by-side. We view such an agreement as a vital element for the fulfillment of the Zionist vision.

We shall work towards the rebuilding of trust between the two sides, and we call upon our Palestinian counterparts to work together with us.

We demand that Chairman Arafat and the Palestinian leadership do everything to bring about an end to the violence. We demand that the Israeli Government immediately end all building in the settlements and resume, without preconditions, negotiations aimed at ending the violence, suffering and collective punishment. The Egyptian-Jordanian Initiative, which has been accepted by the Palestinians, constitutes a genuine chance for a cease-fire.

We condemn the despicable statements expressed by circles close to the government and by settler leaders accusing leaders of the peace camp of treason. Expressions of this type led to the murder of Yitzhak Rabin. We shall continue to encourage Israeli-Palestinian dialogue on an informal basis and we shall not be deterred by abuse and threats.

WE DEMAND:

1. A freeze on all building in the settlements as a first step towards ending the violence.
2. Resumption of negotiations on the basis of the Egyptian-Jordanian Initiative
3. Acceptance and implementation of the Mitchell Committee Recommendations

We call upon all parliamentary and extra-parliamentary forces to join the Peace Coalition on the basis of the principles outlined above.

We will to work together to give expression to the broad public that believes in peace and is concerned about our future as a state and as a society.

Signatories: *Pepe Alalu, Shulamit Aloni, Dr. Janet Aviad, MK Colette Avital, Gavri Bar Gil, Col. (ret.) Mordechai Baron, Dr. Yossi Beilin, Betty Benbenisti, Gilad Benmun, Prof. Menahem Brinker, MK Roman Bronfman, MK Eitan Cabel, MK Naomi Chazan, MK Ran Cohen, MK Yael Dayan, Avi Deutsch, Ruti Duek, Hanan Erez, Yaron Freidman, Issawi Freij, Yuval Frenkel, Yitzhak Frenkental, MK Zehava Galon, MK Ilan Gilon, Prof. Galia Golan, Hanoach Goldberg, Prof. Amiram Goldblum, David Grossman, Dan Haruv, Noam Hoffsheter, Yair Inov, Itai Izinger, MK Hussnia Jabara, Dr. Graham*

Jackson, Prof. Dan Jacobson, Nissim Kalderon, Teddy Kolek, Yehudit Korin, Adv. Gaby Lasky, Hanita Lauper-Fisher, Rohale Maayan, Yaakov Manor, MK Anat Maor, Meir Margalit, Prof. Avishai Margalit, MK Nawaf Masalha, Tuvia Metzger, Sammy Michael, Eitan Michaeli, Roham Nimri, Dr. David Ohana, Yariv Oppenheimer, Haim Oron, Liad Ortat, Yisraela Parush, MK Ofir Pines, Eilon Poturgaly, Dr. Ron Pundak, MK Mossi Raz, Didi Remez, Adv. Tzaly Reshef, Arnon Ronen, MK Amnon Rubinstein, Eli Safran, Hemi Sal, MK Yossi Sarid, Yael Shevek, Moria Shlomot, Michal Shohat, David Shporer, Prof. Emmanuel Sivan, Prof. Yitzhak Schnell, Natasha Snitivker, Irena Steinfeldt, Prof. Zeev Sternhal, Youval Tamari, Prof. Yuli Tamir, Yair Tzaban, Prof. Edna Ullmann-Margalit, MK Avshalom Vilan, Aliza Zutra.



**PALESTINE LIBERATION ORGANIZATION, OFFICIAL RESPONSE TO
THE FINAL REPORT OF THE SHARM EL-SHEIKH FACT-FINDING
COMMITTEE (MITCHELL REPORT), 15 MAY 2001**

Senator George J. Mitchell
The Sharm El-Sheikh Fact-Finding Committee

15 May 2001

Dear Senator Mitchell,

We enclose herewith the official response of the Palestine Liberation Organization to the Report of the Sharm El-Sheikh Fact-Finding Committee, dated April 30, 2001. After careful examination of the Committee's Report, we have concluded that the findings and recommendations of the Report offer Palestinians and Israelis a sensible and coherent foundation for resolving the current crisis and preparing a path to resuming meaningful negotiations. The assassination yesterday of five Palestinian policemen highlights the urgency of implementing the Report's recommendations.

We believe that the Report provides a balanced assessment of the facts, and we fully support the immediate implementation of all of the Committee's recommendations as a comprehensive package.

On the 53rd anniversary of the Nakbah, marking the beginning of the suffering and exile of the Palestinian people, we view your Report as an essential step for ending not only the current violence, but also the Israeli occupation, with the ultimate goal of a two-state solution based on international law.

We view the Report as the outcome of a broad international effort to assist Palestinians and Israelis in this desperate time, and we are grateful for the seriousness with which the international community has pursued this matter, as it has the Egyptian-Jordanian Initiative. We strongly feel that the Report complements the Initiative, and we request that the United States, the United Nations, and the other member states and organizations present at last October's Sharm El-Sheikh Summit, together with the members of the Sharm El-Sheikh Committee, work with us and our Israeli counterparts to create a mechanism for the timely and complete implementation of your Committee's recommendations.

The circumstances in the Israeli Occupied Palestinian Territories continue to deteriorate, especially as we attempt to engage in serious and fair diplomatic initiatives. It is of the utmost importance that, at this critical juncture, the international community renews its commitment to the Report and provides the full weight of its support to the complete implementation of the Committee's recommendations.

Respectfully,

Yasser Abed Rabbo, *Minister of Culture and Information*

INTRODUCTION

After careful review and analysis of the Final Report ("Report") of the Sharm El-Sheikh Fact Finding Committee ("Committee") submitted April 30, 2001, and in consultation with representatives of Palestinian civil society, the Palestine Liberation Organization ("PLO") is convinced that the Commit-

tee's findings and recommendations offer Palestinians and Israelis a sensible and coherent foundation for resolving the current crisis and preparing a path back to meaningful negotiations. Although the Report does not fully address all of the concerns that we have raised with the Committee, we believe that it provides a balanced assessment of the facts, and we fully support the implementation of all of the Committee's recommendations as a comprehensive package.

The following response by the PLO ("Response") will review the key findings of the Committee and identify issues that will require further attention if we are to stabilize the situation on the ground and make concrete progress towards peace. We accept the Report as an attempt to provide a political solution to the crisis, rather than a legal analysis, carefully crafted to provide the parties and the international community with a package of the elements necessary to end the violence resulting from, and associated with, the on-going Israeli military occupation of Palestinian lands.

We are reassured that the Committee's findings appear to be generally consistent with international practice and international law, as well as complementary to the Egyptian-Jordanian Initiative. Still, we feel that the Committee did not adequately address all relevant Palestinian concerns. Nevertheless, as we move towards developing a plan for implementing the Committee's recommendations in their entirety, we hope that all involved parties will support full implementation of the recommendations, as we have, and regard international law as a primary reference point as recommended by the Committee.

The Committee has based its findings on an exhaustive fact-finding effort and has met with Palestinian and Israeli political and civic leaders, as well as numerous experts. The Committee's investigation has taken its members and staff to Palestinian cities and refugee camps throughout the Occupied Palestinian Territories, including East Jerusalem, as well as to the illegal Israeli settlements. The Report's conclusions reflect the thoroughness of the Committee's efforts.

The Report is the outcome of a broad international effort to assist Palestinians and Israelis in a desperate time, and we are grateful for the seriousness with which the international community has pursued this matter. Accordingly, it is of the utmost importance that, at this critical juncture, the international community renews its commitment to the Report and provides the full weight of its support to the complete implementation of the Committee's recommendations.

There is far too much at stake to allow the Committee's findings to become merely an academic exercise. We trust that the participants at the Sharm El-Sheikh Summit in October 2000 who authorized the mandate for the Committee will continue to work with us and our Israeli counterparts to turn this Report into a roadmap leading to meaningful political negotiations whose goal must remain a swift end, not only to the current crisis, but also to Israel's occupation of Palestinian territory.

THE COMMITTEE'S CONCLUSIONS

Characterization of the Conflict

Since the beginning of the Intifada on September 29, 2000, following Ariel Sharon's provocative visit on September 28 to the Haram al-Sharif and the decision the next day by Israeli forces to use lethal force against unarmed Palestinian demonstrators, the government of Israel ("GOI") has unsuccessfully alleged that the Palestinian National Authority ("PNA") has planned, launched and continues to direct the Intifada as a negotiating tactic. The GOI has also tried to inaccurately characterize the conflict as one between two armies "just short of war" and to use such characterizations to justify its excessive and disproportionate response to Palestinian opposition to the occupation. The GOI has also used such arguments in an attempt to justify such blatantly illegal activities as political assassinations. By characterizing the crisis in such a one-sided and self-serving way, Israel sought to avoid any discussion of the true underlying causes of Palestinian frustration.

The GOI has been unable over the course of four months of fact finding to present convincing evidence to the Committee to back up its allegations. The Report, therefore, correctly notes that there is

"no basis on which to conclude that there was a deliberate plan by the PA to initiate a campaign of violence..." (Report, page 7)

Furthermore, Israel's entire characterization of the crisis as an "armed conflict short of war" was rejected by the Committee as "not adequately" describing the variety of incidents that have occurred since September 29, 2000. Abandoning such a mischaracterization would allow the GOI to renew investigations by the Department of Military Police Investigations "whenever a Palestinian in the territories dies at the hands of an IDF soldier in an incident not involving terrorism." (Report, page 19)

Settlements

The findings of the Committee unambiguously reject these Israeli characterizations and have gone to the heart of the current crisis - Israel's on-going occupation as most clearly exemplified by Israel's continuing policy of confiscating Palestinian territory and destroying Palestinian property in order to build and expand illegal settlements and related "bypass" roads.

Contrary to Israeli arguments, the Report points to the connection between Israeli-Palestinian violence and Israel's "settlement construction activity." The Report emphasizes that the international community has universally condemned Israel's settlement policy as either the "greatest obstacle to peace" or, just as accurately, as illegal actions under international law and a violation of Palestinian-Israeli agreements. We wholeheartedly concur with the Committee's findings that Israel should cease all of its settlement activity and that Israel should carefully consider dismantling settlements that are particularly provocative flash points. We are also encouraged by a recent Israeli poll indicating that 62% of Israelis favor a settlement freeze as a means of ending the current crisis.

The Report notes that on each of the two major visits to the region by the Committee principals, Israel announced the expansion of settlements. Indeed, upon public disclosure that the Report calls for an end to this illegal activity, the GOI announced its intention to seek an additional U.S. \$400 million from the heavily subsidized Israeli budget for continued settlement expansion. According to Israeli press reports, the GOI, on May 13, 2001, reaffirmed a decision to build an eastern "ring road" or bypass road around occupied East Jerusalem that would require Israel to confiscate more Palestinian land and destroy a number of Palestinian homes. While the GOI's contempt for international legality is noteworthy in and of itself, it is even more important to recognize the effect this Israeli contempt has had on Palestinian lives and the inevitable Palestinian response.

Israeli Use of Force

This contempt has extended to the GOI's use of lethal force against Palestinian demonstrators. The Report quotes Israeli government sources as acknowledging that for the "first three months of the current uprising, most incidents *did not* involve Palestinian use of firearms and explosives." (emphasis in the original) (Report, page 18) Yet, despite the fact that the overwhelming majority of demonstrations involved no gunfire whatsoever, it was precisely in these demonstrations that most of the Palestinian civilians were killed and wounded, the Report noted. (Report, page 18-19)

The Committee concludes that Israel must differentiate between terrorism, which it defines as "the deliberate killing and injuring of randomly selected noncombatants for political ends" and protest, in which it includes stone throwing by youths. (Report, page 19) The Committee further criticizes Israel's unwillingness to apply the same code of conduct standards to Palestinians as it applies to Israelis who are in the Occupied Palestinian Territories. (Report, page 30) Finally, the Committee concludes that the Israeli armed forces "should adopt crowd-control tactics that minimize the potential for deaths and casualties, withdrawing metal-cored rubber rounds from general use..." (Report, page 21) The Report is clear that Israel's systematic utilization of deadly force in response to unarmed Palestinian demonstrators must stop.

Collective Punishment

The Report also restates the international community's consensus that Israel's policy of collective punishment must end:

[The Committee] believe[s], however, that the [GOI] should lift closures, transfer to the PA all revenues owed, and permit Palestinians who have been employed in Israel to return to their jobs. (Report, page 23)

End to Incitement

The Committee has also asked the parties "to renew their formal commitments to foster mutual understanding and tolerance and to abstain from incitement and hostile propaganda." (Report, page 22) The Report particularly urges the parties not to use words "in a manner that suggests collective responsibility." (Report, page 22) We agree with the Committee's sentiments. Even as we submit this report, the GOI continues to create a climate of hate against Palestinians in general and against the Palestinian National Authority in particular. Israeli President Moshe Katsav very recently made statements attempting to remove Palestinians from the pale of humanity:

There is a huge gap between us and our enemies - not just in ability but in morality, culture, sanctity of life, and conscience.... [Palestinians] are people who don't belong to our continent, to our world, but actually belong to a different galaxy.

The spiritual leader of Shas, the third largest party in the Israeli Knesset, also recently declared that "it is forbidden to be merciful to [Palestinians]. You must give them missiles, with relish - annihilate them. Evil ones, damnable ones."

Unfortunately, these are not the only statements by highly placed GOI officials or political leaders demonizing the Palestinian people as a whole or arguing that Palestinians are collectively guilty for any act of violence directed at Israel or its occupation.

As the Committee noted, hate speech must be condemned. The statement of the Israeli president and other Israeli officials, particularly in the current volatile situation, helps to create an atmosphere in which Israeli violence against Palestinian civilians and other noncombatants can occur with impunity. We join the Committee in condemning all hate speech and other incitement regardless of the source.

Respect for Holy Places

The Committee also addressed the need to ensure that places deemed holy by Muslims, Jews, and Christians are afforded respect, protection and preservation. The Report recommends the creation of a "joint initiative" to preserve and protect such places. These views are also consistent with Palestinian concerns for allowing full freedom of movement for worshippers of all faiths, particularly with respect to access to the holy sites in Jerusalem by both Christian and Muslim Palestinians living in the Occupied Palestinian Territories.

Conclusions Form a Comprehensive Package

Perhaps most importantly, the Committee has linked all these elements into a comprehensive package to truly end the crisis and prevent its recurrence. The Report provides a sophisticated analysis of how Israel's occupation, particularly its settlement and lethal force policy, is inextricably tied to Palestinian-Israeli security cooperation, and how security cooperation can only be sustained in the context of meaningful political negotiations:

We acknowledge the reluctance of the PA to be seen as facilitating the work of Israeli security services absent an explicit political context (i.e., meaningful negotiations) and under the threat of Israeli settlement expansion. Indeed, security cooperation cannot be sustained without such negotiations and with ongoing actions seen as prejudicing the outcome of negotiations. (Report, page 13)

The Committee also makes it clear that neither side has a unique privilege to defy international law or to unilaterally abrogate agreements:

If the parties are to succeed in completing their journey to their common destination, agreed commitments must be implemented, international law respected, and human rights protected. (Report, page 3)

These findings are entirely consistent with the Palestinian perspective that remains rooted in the applicability of international law and standards to govern Israel's occupation of Palestinian territory as well as to Palestinian responses. The current crisis is the outgrowth of the consequences of Israel's illegal occupation of Palestinian territories, its systematic abuses of international humanitarian law, and its unwillingness to implement those measures agreed upon with the Palestinians over the last seven years designed to mitigate the worst of those consequences.

A resolution to the current crisis requires that this package of recommendations provided by the international community be implemented comprehensively with a view towards implementing U.N. Security Council Resolutions 242 and 338 that require an end to the Israeli occupation. As the Committee recognized, there is a need to have the Israeli government rearticulate its commitment to these principles by "[making...] clear to the PA that a future peace would pose no threat to the territorial contiguity of a Palestinian State to be established in the West Bank and Gaza Strip." (Report, page 29)

We accept these findings and are committed to working with the international community to prepare a road map for the effective implementation of all the measures recommended in the Report including those to be taken by the PNA to promote security in those areas of the Occupied Territories under its security administration.

THE LEGAL CONTEXT

As noted above, the Committee's findings represent a political document and not a legal judgment. The Report alludes to the international context when it states that "[i]f the parties are to succeed in completing their journey to their common destination, agreed commitments must be implemented, international law respected, and human rights protected," but fails to explicitly set forth that context. (Report, page 3) The PLO wishes to directly address this deficiency in the Report by providing a record of the internationally accepted legal standards that apply to the Palestinian-Israeli conflict.

The Fourth Geneva Convention

During the June War of 1967, Israeli armed forces occupied the West Bank, including East Jerusalem, and the Gaza Strip, as well as the Syrian Golan Heights and the Egyptian Sinai Peninsula. U.N. Security Council Resolution 242, passed in 1968, restated the inadmissibility of the acquisition of territory by war and applied this international principle specifically to the Israeli occupation of Arab territory. Since then, all serious efforts to end the Israeli-Arab conflict have depended on implementation of this resolution requiring the Israeli withdrawal from Arab territory acquired by force and the subsequent termination of all states of belligerency.

Security Council Resolution 1322, consideration of which forms part of this Committee's mandate, makes explicit reference to several other Security Council resolutions, all of which emphasize the *de jure* applicability of the Fourth Geneva Convention ("Convention") to the Occupied Palestinian Territories, the illegality of Israel's unilateral annexation of Jerusalem and of the steps Israel has taken to change the city's character. The international community, including the five permanent members of the UN Security Council, has repeatedly affirmed that the Convention applies *de jure* to the Occupied Palestinian Territories and the International Court of Justice has noted that the Geneva Conventions are customary international law as well. Israel itself originally recognized the Convention's *de jure* applicability but subsequently reversed itself.

The Committee's recommendations are in line with the Convention, and appear directly linked to the Convention's application. Israel's settlement policy, for example, is "illegal under international law" precisely because of the application of Article 49 of the Convention which prohibits the transfer of an Occupying Power's civilian population into the territory it occupies.

The Committee's recommendation that Israel cease using lethal force against Palestinian civilians and its differentiation between terrorism and legitimate protest is based, in part, on Article 47 of the Convention which affirms "the inviolability of rights" granted to the civilian population that can in no cir-

cumstances be suspended or evaded and Article 50 of the Convention which imposes a special burden on the Occupying Power to protect children from the effects of war and accompanying hardships.

The Report's recommendation that Israel lift the closures of Palestinian towns and cities, stop the demolitions of homes and agricultural property including the uprooting of trees, and release Palestinian revenues back to the PNA are consistent with Article 33 of the Convention.

The Committee's work itself can provide the basis on which States can fulfill their Article 1 duty under the Convention to take steps to ensure that the GOI complies with all provisions of international humanitarian law.

Human Rights Law

In addition to international humanitarian law, the GOI's conduct in the Occupied Palestinian Territories is also subject to human rights instruments to which Israel is party, as well as customary international human rights rules. While the GOI has in the past denied the applicability of international human rights instruments in the Occupied Palestinian Territories, the various mechanisms created by these instruments have reaffirmed their applicability. These include, *inter alia*, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child. The Committee has acknowledged this applicability in its call for the parties to respect international law and respect human rights.

General rules of international law also apply to the Occupied Palestinian Territories. Most significant in this context is the Palestinian people's right to self-determination, recognized implicitly by the Committee in its call to Israel to make a statement recognizing that the goal of the peace process is to establish a viable and contiguous Palestinian State in the West Bank and Gaza.

ISSUES FOR FURTHER ATTENTION

International Protection Force

We note that the Committee did not oppose an international protection force but felt that such a protection force "would need the support of both parties." (Report, page 24) The Committee does not indicate that an International Protection Force is inadvisable, and consequently, further discussion on this matter is warranted. We believe that such a force remains necessary, particularly in light of the fact that Palestinians continue to be killed by Israeli forces in increasing numbers.

Israel's Continuing Assassination Policy

On May 14, 2001, Israeli forces assassinated five Palestinian policemen near Ramallah. This premeditated killing indicates a new GOI strategy of delegating authority to local Israeli commanders to initiate attacks against Palestinian civilians and PNA officials and police. However, Israel's assassination policy started much earlier, and was openly encouraged by officials of the previous Israeli government.

In light of the open advocacy, and indeed escalation, of Israel's extra-judicial execution or assassination policy, the Committee's failure to adequately address Palestinian concerns is difficult to understand. Articles 27, 32 and 33 of the Convention clearly stipulate that Israel's planned and systematic policy of assassinations, directed against specific Palestinian officials and local leaders, is a grave breach and a war crime. The international community has now made it clear, particularly through the precedents of the International War Crimes Tribunals for the Former Yugoslavia and Rwanda, that all of those involved in the planning, instigating, ordering, or commission of grave breaches or who otherwise aid and abet in the planning, preparation or execution of grave breaches must be held individually responsible for the crime. This remains true whether those responsible are soldiers, government officials or even heads of state.

Although Israel has not signed or ratified the Protocol Additional to the Geneva Convention of 1977, the Protocol does provide guidance in interpreting international humanitarian law concerning assassination and arguably reflects customary law. Attacks on persons considered activists, or allegedly involved in encouraging resistance to Israel's occupation, clearly contravene Articles 51, 75, and 85 of the Protocol which consider such attacks grave breaches and war crimes.

Implementation of the Committee's Recommendations

The Report's findings fail to address the question of implementation of the recommendations, perhaps wishing to leave the matter to discussion with the parties and the international community. Although there are a number of models that have been utilized by the international community to stop the worst abuses of international law, this Response will be limited to a discussion of the most important elements required for any implementation effort. The international community, however, should discuss the actual models by which these elements are incorporated with the parties at the earliest possible date.

1. **Third Party Involvement**: Neither party should be permitted to play the role of both judge and jury. A fundamental problem with the implementation of many of the past agreements between the Palestinians and Israelis has been the lack of objective third party involvement. This failure has allowed one side to blame the other for alleged violations without an objective third party voice to determine the veracity of the complaint. It would be extremely counterproductive if implementation of the Committee's findings are not verified and/or enforced by third parties respected and trusted by both Palestinians and Israelis. Such involvement, once agreed to, must be able to make its decisions without possibility of a veto by either party. The Committee recommends that the parties consider requesting the Temporary International Presence in Hebron (TIPH) to expand its efforts in the Occupied Palestinian Territories. However, if this is to be done, TIPH's mandate must be changed to address deficiencies in the ability of the current force to stop abuses of international law.
2. **Findings of Fact**: Third party involvement could alleviate the possibility of either party drawing negative conclusions on the other's implementation of an existing obligation without sufficient reason. The third party would investigate allegations of non-compliance and issue findings of fact on the allegations.
3. **Dispute Resolution Mechanism**: In order to address disagreements over implementation of the Report's recommendations, a peaceful and speedy dispute resolution mechanism must be created.

Implementation of Past Agreements

Finally, a number of agreements have been signed between the PLO and Israel governing certain aspects of the relations between them and imposing certain obligations on each. The Committee has recognized that these obligations need to be fulfilled but fails to identify the most important of these unfulfilled obligations:

- Section 2(d) of Article XI of the Interim Agreement calls for Israel to have withdrawn from all of the West Bank, with the exception of Israeli settlements and Israeli military bases. Today, almost three years after the deadline for Israel's third withdrawal, Israeli troops remain in control of 82% of the West Bank.
- Section 1 of Article XVI of the Interim Agreement and Annex VII thereof provides for the release of Palestinian political prisoners as well as the release of political prisoners from Arab countries. The release was to take place in three phases, the last of which was to occur during the permanent status negotiations. Israel has yet to comply with this provision.
- Article X of the Protocol Concerning Redeployment and Security Arrangements annexed to the Interim Agreement require Israel to open a safe passage route connecting the West Bank with the Gaza Strip for "the movement of persons, vehicles and goods." The Interim Agreement provides for the opening of a northern and a southern safe passage route as well as specifying the locations of designated crossing points. These commitments have also not been met.
- Israel has also failed to move forward on the issue of displaced persons (i.e. those who were displaced from their homes in the West Bank and Gaza during or after the 1967 War) by attempting to move the issue to one of the final status issues, in contravention to its obligations under Article XII of the Declaration of Principles and Article XXVII of the Interim Agreement.
- Article 40 of Annex I to the Interim Agreement, which requires Israel to increase the water allocation for Palestinians, has also yet to be fulfilled.

The failure of Israel to take steps to mitigate the consequences of its occupation pursuant to its obligations under these agreements has also been an underlying cause for Palestinian frustration and desperation, and the Committee is correct in noting that the agreements must be implemented if political negotiations are to be meaningful or if security cooperation is to be sustainable.

CONCLUSION

Israel's emphasis on security considerations alone, while taken very seriously by the Palestinians, cannot dictate the course of peace talks or attempts to end the current crisis. The PNA has repeatedly expressed its desire to resume security cooperation with Israel within the context of those elements necessary to make such cooperation sustainable. The Committee has correctly identified that security cooperation is not sustainable without meaningful political negotiations and that such negotiations cannot exist while Israel continues to colonize the territory from which it is ostensibly negotiating a withdrawal.

Most importantly, the Report provides the international community with a package of guidelines on most, if not all, of the elements necessary to create the peaceful conditions that can promote meaningful political negotiations whose goal must remain the timely end of Israel's occupation of Palestinian territory and a two-state solution based on international law. These elements must be considered and implemented in tandem if any one element is to be successful.

We are also encouraged that the Report complements the recent Egyptian-Jordanian Initiative to end the crisis. Both the Report and the Egyptian-Jordanian Initiative represent a fair basis for resolution of the current crisis. As such, we recommend that the U.N. Security Council adopt both documents as a basis for ending the current crisis and implementing international law, including all applicable U.N. Security Council and General Assembly resolutions.

We accept this Report with the same sense of purpose with which it was written. Indeed, much has been accomplished already in Oslo, Washington, Cairo and elsewhere, but such progress will be lost if the international community does not give the Committee's recommendations the same level of consideration we are willing to provide the Report. This Report will inform Palestinian policy and must equally inform Israeli policy. For this Report to be considered by the GOI with the seriousness it deserves, the international community must also allow the Report to inform individual state policies towards the region.

We would hope that in their response to the Report, all member states and international bodies attending the Sharm El-Sheikh Summit in October 2000, together with the Committee Members, will join us in requesting a meeting at the highest level for all the parties in order to develop a mechanism for the timely implementation of the Committee's recommendations. We believe that this is within the spirit of former President Bill Clinton's October 17, 2000 statement at Sharm El-Sheikh and the logical conclusion to be drawn from the Report.

Too many innocent lives have already been lost or unalterably damaged and there are already too many people mourning in the Occupied Palestinian Territories, as well as in Israel. With that impetus in mind, we consider this Report not an end, but a beginning to a resolution of not only the current crisis, but also the underlying occupation. We are prepared to exert every effort in conjunction with the international community to make certain that the entire package presented in this Report becomes a reality.



GOVERNMENT OF ISRAEL, COMMENTS ON THE REPORT OF THE SHARM EL-SHEIKH FACT-FINDING COMMITTEE (MITCHELL REPORT), 15 MAY 2001

1. In responding to the request of the Sharm El-Sheikh Fact-Finding Committee for comments on its Report dated April 30, 2001, the Government of Israel wishes to express its sincere appreciation to the distinguished members of the Committee for the evident care with which they have gone about the delicate task of providing an assessment of the events since late September 2000. Israel con-

siders that the Committee's Report provides a constructive and positive attempt to break the cycle of violence and facilitate a resumption of bilateral negotiations for peace.

2. Israel welcomes, in particular, the unqualified call for an unconditional cessation of violence, the establishment of a meaningful cooling off period and the resumption of negotiations.
3. Amongst other elements worthy of note in the Committee's Report are:
 - the visit by Mr. Sharon to the Temple Mount did not cause the violence;
 - the PA must "make an all-out effort to enforce a complete cessation of violence and be clearly seen by the Government of Israel as doing so";
 - both sides must make clear that violent demonstrations will not be tolerated;
 - the condemnation of firing by Palestinian gunmen;
 - terrorism is condemned. "The PA should make clear through concrete action to Palestinians and Israelis alike that terrorism is reprehensible and unacceptable, and that the PA will make 100 per cent effort to prevent terrorist operations and to punish perpetrators. This effort should include immediate steps to apprehend and incarcerate terrorists operating within the PA's jurisdiction";
 - "the immediate resumption of security co-operation is mandatory";
 - "The PA should resume co-operation with Israeli security agencies to ensure that Palestinian workers employed within Israel are fully vetted and free of connections to terrorists and terrorist organisations";
 - "the PA [should] institute and enforce effective standards of conduct and accountability";
 - the call for the preservation and protection of holy places.
4. The written statements to the Committee made by the Government of Israel [1] observed that the outbreak of Palestinian violence was not a spontaneous act but rather reflected a strategic decision on the part of the Palestinian leadership to achieve results through violence that could not be achieved through negotiations - negotiations in which the Palestinian side adopted inflexible and uncompromising positions.
5. Furthermore, Israel's statements noted as the cause of the violence a number of basic and serious respects in which the Palestinians have failed to meet the undertakings that they gave in no less than eleven agreements concluded with Israel since the Oslo peace process began in 1993. The continuing violence is yet further evidence of the failure on the part of the Palestinian side to adopt the measures they committed themselves to in the agreements with Israel.
6. Israel's statements pointed to such aspects of Palestinian activity as the targeting of Israeli civilians both in direct attacks and by indiscriminate bombings; the illegal spread of weapons amongst Palestinians; their use in attacks on Israeli security forces; the failure of the Palestinian Police to restrain such attacks and, indeed, their active involvement in them; the release of terrorist detainees; the continuance of hostile propaganda and incitement to violence, not least that directed at Palestinian children from the earliest age; the involvement of children in episodes of violence, often using them as a screen for offensive weapon fire from Palestinian snipers sheltering behind them; and the denial of access to, attacks on, and destruction of Jewish Holy Sites. The Palestinian leadership continues to instigate and direct such hostile activities.
7. Israel values the important work of the Committee and its important contribution to the effort to end the violence and rebuild trust between the sides. At the same time, it remains gravely concerned at the continuation, and even escalation, of the conflict. The indiscriminate terror attacks against innocent civilians have intensified. Mortars continue to be fired at civilian communities. A significant indication of this escalation was the recent seizure by the Israel Navy of a vessel carrying large quantities of illegal weapons and ammunition, including Katyusha rockets, anti-aircraft missiles, mortars and mines to the Palestinian Authority, just days following the submission of the Report to the sides.
8. Israel's statements, in reference to the Palestinian violence, provided a detailed description of the life threatening circumstances facing the Israel Defense Forces on a daily basis in the West Bank and the Gaza Strip. This has not been a civilian uprising but rather an ongoing situation in which Israeli forces are coming under intensive live-fire attack. The statements gave full and careful explanations of the methods used by Israel in dealing with such attacks and outbreaks of violence,

stressing that the violence was not initiated by Israel and that Israeli actions were exclusively responsive to Palestinian attacks. Needless to say, the security measures adopted by Israel would have been unnecessary had the Palestinian violence come to an end. Israeli security personnel have acted, and continue to act, according to the highest ethical standards, military orders and a well defined chain of command, all in the most difficult conditions.

9. Over the recent months Israel has been confronted with Palestinian attempts to achieve political goals through the use of violence and terror. Terror is the very antithesis of the peace process. It indiscriminately targets innocent civilians. The Israeli people who, having gone a long way for the sake of peace have been repaid with terror and violence. The frustration of the Israeli people is understandable.
10. The Committee also suggested corresponding or reciprocal action by Israel pursuant to the cessation of violence. Israel is giving careful and immediate consideration to these matters, some of which have already been proposed by Israel in its statements and even unilaterally implemented. Subject to the principle requirement that the Palestinian Authority first brings all violence to an end followed by a meaningful cooling-off period, Israel is ready to resume negotiations within the framework of the signed agreements between the sides and on the basis of reciprocity. Israel wishes to note that the cessation of violence by the Palestinian side should be accompanied by concrete measures on the ground which are capable of appraisal, such as the prevention of terror activities and the arrest of terrorists. Israel is confident that a clear decision by the Palestinian leadership in this regard will result in full and effective implementation of such measures on the ground.
11. Israel welcomes the Committee's statement that the parties "should reaffirm their commitment to existing agreements and undertakings and should immediately implement an unconditional cessation of violence". In this light, Israel must recall that the question of the settlements is a matter that, together with, principally, Jerusalem, refugees, and borders, has specifically been agreed by Israel and the Palestinian side as one for treatment in the permanent status negotiations.[2] There is nothing in the bilateral agreements between the two sides that suggests that the question of settlements is to be regarded as one that could be separated from the others and unrelated to the overall solution of those other problems. Indeed, the Committee itself noted that the issue of settlements is one of the core issues to be negotiated between the sides. The outcome of such negotiations, in which each side has legitimate positions and claims, should not be prejudged.
12. On the substance, it must be recalled that it is already part of the policy of the Government of Israel not to establish new settlements. At the same time, the current and everyday needs of the development of such communities must be taken into account.
13. The international community should reject outright any attempt to interpret the Committee's Report as a legitimization of violence and terror. There should be clear support for the Committee's call for an "unconditional cessation of violence". As soon as it has become clear that the Palestinian Authority has brought the violence to an end and there has been a meaningful cooling-off period, Israel is ready to resume negotiations. The speed at which negotiations can be resumed is not, however, a matter for Israel alone.
14. Despite the events of the past months, Israel remains committed to peace and is hopeful that positive steps will be taken so that this goal, which has been a central pillar of every Israeli government since its founding fifty-three years ago, can be realized.
15. Israel recalls Chairman Arafat's letter to Prime Minister Rabin of September 9, 1993 in which he stated that: "The PLO commits itself to the Middle East peace process, and to a peaceful resolution of the conflict between the two sides and declares that all outstanding issues relating to permanent status will be resolved through negotiations."

The principle of the peaceful settlement of disputes is the cornerstone of the relationship between Israel and the Palestinians. It has been recognized and supported by the international community. Israel calls on the Palestinian side to renew this fundamental commitment, to immediately abandon the path of terror and violence so that the sides may resume negotiations for the benefit of the Israeli and Palestinian people.

16. Israel recognizes the need for a rebuilding of trust and confidence between the two sides following several months of armed hostilities. It is prepared to do its part to contribute to this process and has already adopted unilateral measures to improve the situation. Israel fully supports the Committee's opinion that negotiations should "manifest a spirit of compromise, reconciliation and partnership" and calls on the Palestinian side to act in this spirit. Israel will continue to study the Report closely with a view to assessing how it might assist in opening a pathway back to bilateral negotiations within the framework of the signed agreements.



**EUROPEAN PARLIAMENT, RESOLUTION ON THE SITUATION
IN THE MIDDLE EAST, 17 MAY 2001 [EXCERPTS]**

*[The strongly worded resolution was adopted by 253 votes to 138 with 55 abstentions.
After a preamble citing various UN resolutions and EU statements, and after noting, inter alia, the findings of the Mitchell Committee, the "intolerable situation" in the OPT, "recent terrorist attacks" against Israeli civilians, the resolution adopts the following 19 points:].*

1. Expresses its deep consternation at the number of civilian victims as a result of conflict in the last few months; and expresses its sympathy and solidarity with the families of all the victims;
2. Rejects the use of violence, reaffirms its commitment to pursuing the dialogue and peace negotiations and considers that there is no military solution to the conflict;
3. Calls urgently on all parties concerned to put an end to violence; condemns the excessive and disproportionate use of force, extrajudicial executions by the Israeli army in the occupied territories and the fact that the occupied territories have been totally sealed off; condemns all terrorist attacks perpetrated in Israel; calls on the Palestinian National Authority to make every effort to fight against terrorism, reduce violence and control extremists;
4. Condemns the Israeli army's illegal incursions into the territories under the control of the Palestinian National Authority in the West Bank and Gaza;
5. Condemns the extension of settlements in the occupied territories, which creates a de facto situation which will make the application of future peace agreements more difficult;
6. Notes the Sharm al-Shaykh Fact-Finding Committee's conclusions and supports the view that all settlement, including natural growth, must be frozen;
7. Calls on the member states, in accordance with the report, to propose to the United Nations Security Council that an observer mission be sent to the Palestinian territories;
8. Supports any initiative intended to bring about a resumption of dialogue between Israelis and Palestinians, especially from the Egyptian/Jordanian side; considers that only a resumption of dialogue and application of confidence building measures can achieve an effective end to all violence;
9. Calls on the Israeli government to restart negotiations by putting an end to the sealing off of the territories and to the continuation and expansion of the settlement policy and paying back the overdue tax revenues to the Palestinian National Authority;
10. Calls on the Gothenburg European Council to work out and adopt a common strategy on the Middle East, on the basis of proposals presented by the High Representative for the CFSP [Common Foreign and Security Policy], in cooperation with the EU permanent representative in the Middle East, to achieve the objective of increased effectiveness and visibility of the EU's political and diplomatic activity in the region, taking into account the several EP [European Parliament] resolutions on this issue;
11. Regrets the attitude of some Member States at the annual meeting of the UN Commission on Human Rights in Geneva; believes that the abstention on the resolution condemning human rights violations in the Occupied Territories endangers the profile of the EU, undermining the overall development of the Euro-Mediterranean Partnership;
12. Considers that the disproportionate use of force by the Israeli army and collective punishment are not in accordance with the principles of the association agreement already in force between the EU and Israel; calls therefore on the council and commission to assess these violations, draw the necessary conclusions and report to the European Parliament;

13. Urges the commission and the member states to take decisive measures to correct any violation of rules of origin by Israel under the trade agreement with the EU and to inform Parliament, so as to avoid any indirect complicity in illegal settlements;
14. Considers that future peace proposals must be based on respect for international law, on United Nations Security Council Resolutions 242 and 338, on effective and complete application of the interim agreements already concluded between Israelis and Palestinians, and on what was achieved at the latest Camp David negotiations;
15. Recalls the position of the EU in favor of the creation of a viable, democratic and peaceful Palestinian state;
16. Regards it as essential, in order to achieve peace in the region, that the Lebanese government should exercise sovereignty over its own territory, and calls on Syria and Israel to enable it to do so;
17. Calls also on all Middle East countries to cooperate effectively against terrorist networks and to reiterate their commitment to the security of all countries in the region;
18. Stresses the importance of implementing, in the whole region, an education policy aimed at promoting tolerance and mutual understanding between cultures and religions;
19. Instructs its president to forward this resolution to the council, the commission, the Israeli government and parliament, the Palestinian National Authority and Legislative Council and the United Nations secretary-general.



**EUROPEAN UNION PRESIDENCY, DECLARATION ON THE SITUATION
IN THE MIDDLE EAST, 19 MAY 2001**

The Presidency of the European Union is appalled by the rapid increase in the level of violence during the last few days. The Union appeals to both the Israeli and Palestinian leadership to condemn the bloodshed and to do all within their power to halt the vicious circle of escalation. The human cost in terms of the number of people killed or injured is horrifying.

The killing of innocent policemen, mortar shelling, suicide attacks and war like air assaults are all proof of desperation. Both parties have miscalculated that it is the other side, which bears the sole responsibility for the escalation of the conflict and the stalemate in the peace process.

Violence only breeds more violence. Peace can only be reached through negotiations. The two sides should return to the negotiating table as soon as possible. The parties should be inspired by the proposals of the Mitchell report.



**SAUDI CROWN PRINCE ABDULLAH BIN ABDUL AZIZ,
STATEMENT ON PALESTINE, DAMASCUS, 6 JUNE 2001**

We have come to our sister Syria to discuss the current situation and future potential of Arab and Muslim issues, convinced that whoever has legitimate right on his side and depends on God Almighty will never hesitate nor speculate in voicing his demands: rights cannot be begged for. We have the strength of incontrovertible proof and argument against the usurper of our rights, who elevated the voice of power over that of reason, forgetting the fact that violence only begets violence.

We remind Israel and its extremist representatives, led by Ariel Sharon, that the premises and given facts of peace implemented since the conference in Madrid are now crumbling one by one. The Madrid conference received the acceptance of the Arabs and the Muslims, who extended the bridges of dialogue, hoping that this would bring about a future of co-existence for all parties according to the principles of justice and land for peace.

This vision from Madrid is what led the Arabs to shake hands with Israeli negotiators, even though for more than fifty years they had rejected the extending of a friendly hand to any Israeli party. Today, what has happened to Madrid and its commitments, and what about the peace process in all its forms?

Israel has gone too far in its violence and intransigence: Israeli bullets have been gunning down the elderly, women, and infants. The ill-will entertained by Sharon and his supporters has reached out to all symbols of Arab pride. Tall trees seemed to him to represent the image of proud and youthful Arabs, and thus he stretched out his hand to root out all plants, thinking that force will lead to the achievement of his objectives.

We are aware that Israel sees itself as strong: we are also aware that this could be the case for another ten to twenty or fifty years to come or even more. However, we believe that perpetual power is the prerogative of God Almighty alone.

Would there be any sane person on earth who thinks that any human being will accept injustice forever and that the wounded will silently nurse their wounds and the weak will be saved through their weakness? Is there any nation on the face of earth, believing in God and in God's messengers, that would consider abandoning its rights or failing to articulate them? Whoever thinks this possible, is simply deluded.

Sharon can do what he likes: for today might be his day. Yet tomorrow, God willing, is ours. Every single drop of Arab blood that has been spilled on our usurped Arab territories will be duly wrested from those who dared to shed it. Arabs and Muslims are not people who accept less than their full rights. The womb of every Arab woman carries retribution and every fallen martyr has left behind a loud roar, vibrating in the chest of every child who is looking towards martyrdom. Israel must therefore allow wisdom to assume its role before the face of peace turns pale and gloomy in our eyes.

We call upon all honorable communities in the world to embody the real meaning of honor and contribute effectively and impartially to implementing a just and comprehensive peace. We call upon the wise in the United States and in Europe, and in the world at large, to assume their historical role towards peace. Hope and good intentions motivate our call. Yet bitter are the disappointed hopes when swallowed by despair.

From here, from steadfast Syria and at the outskirts of the occupied Golan Heights, we call upon the rationality of the rational and the prudence of the wise, to hear - in an Arab tongue and a believing heart - this call, which is not overblown or exaggerated.



**US CHURCH LEADERS, LETTER TO US SECRETARY OF STATE
COLIN POWELL REGARDING ISRAELI SETTLEMENTS, 7 JUNE 2001**

[The letter was delivered by a delegation led by Episcopal Presiding Bishop Frank Griswold and including the head of the Roman Catholic Conference of Major Superiors of Men's Institutes, the Chairman of the Conference of Bishops of the Evangelical Lutheran Church, the former President of the Council of Bishops of the United Methodist Church, leading bishops of the Armenian Orthodox and Greek Orthodox Churches, and the Exec. Dir. of the Church World Service; the letter was supported by the leaders of the main US Protestant and Eastern Orthodox Churches and faith based organizations.]

Dear Mr. Secretary,

We are grateful that you have given us this opportunity to meet with you and are mindful of the additional heads of U.S. churches who joined us in signing this letter. We come with thanks for the wise and strong leadership you are giving to our government's State Department. We come with support for your effort to end the Israeli-Palestinian cycle of violence and rebuild the trust and mutual confidence that are critical for a negotiated settlement.

There is no higher priority for peacemaking in the world today than that between Israel and the Palestinians. This long and tragic conflict is a cancer that threatens the health of the whole region, U.S. relations with Arab and Muslim countries, and interfaith relations worldwide. We, particularly those of us who have precious partnerships with our sister churches in the Holy Land, offer our prayers and encouragement to our government in this crucial work.

Along with many others, we are deeply concerned that the peace process has broken down so violently and tragically between the government of Israel and the Palestinian leadership. The sobering current reality compels us to take a higher profile in advocacy of U.S. policies conducive to peace.

Few things have done more to destroy the hope and pursuit of peace through negotiations than Israel's unrelenting settlement activity. Over these recent years, we have heard from our Palestinian Christian partners, and seen for ourselves, the destructive impact of Israel's settlement policy—separating village from village, confiscating more and more Palestinian land, creating friction with its military checkpoints. For over twenty years our churches have appealed to the U.S. government to require Israel to cease this transfer of its civilian population into occupied territory, a clear violation of international law and United Nations resolutions. Each administration has spoken in opposition to the settlement activity, only to watch the settlements increase and expand as Israel ignores the advice.

It is time for the United States to do what it must to bring Israel's settlement activity to an end. We urge you to make clear to Israel and the Palestinians that the United States is committed to a negotiated end of Israel's military occupation of the Gaza Strip, the West Bank and East Jerusalem as called for in [UN Security Council Resolution] 242 and that an immediate freezing by Israel of its settlement activity, including "natural growth," is imperative. It will likely require considerable diplomatic pressure, and possibly economic pressure as well, to convince the government of Israel to recognize that this is a major policy concern of the United States.

Breaking the cycle of violence is fundamental to restarting the peace process and rebuilding the hope and will for peace. While we condemn the violent words and actions of Palestinians, we understand the rage that comes from decades of occupation, dislocation, and the feeling of having been betrayed by the peace process. We appeal to the Palestinians, as have you, to abandon violence as a means to end the occupation.

We understand as well Israel's quest for security for the state and its people, but condemn the disproportionately violent and destructive means it is using. Israel's practice of assassination and the economic strangulation of the fledgling Palestinian state are counterproductive to either security or peace. We hope that Israel is responsive to your appeal that it lift the siege of Palestinian towns and pay the taxes owed to the Palestinian Authority. We call upon Israel to abandon military force and return to negotiations as the path to security.

A delegation of church leaders on a December pastoral visit saw the destruction wrought by Israel's military might on the homes and livelihood of the Christian towns of Bethlehem, Bayt Jala and Bayt Sahur. The delegation urged that the United States suspend the current sales of attack helicopters to Israel pending investigation of their use against civilian targets as well as assurances that they will be used in conformity with United States law covering "end use" in our weapons sales. We ask you to place a hold on any pending delivery of attack helicopters or fighter jets to Israel and to reconsider the promise made by the Clinton administration that the United States will increase military aid to Israel for each of the next eight years. While we recognize that it has been U.S. policy to support Israel militarily in order to insure its security and to encourage it to move forward with confidence in negotiations, the use of F16 fighter jets against civilian populations is unacceptable and must be challenged by the U.S. government. Like the U.S. effort to stop settlement activity, stopping the use of these heavy weapons against civilians will require considerable diplomatic pressure and possibly economic pressure.

Although our concern extends to each person suffering from this conflict, we are extremely worried about our Palestinian Christian brothers and sisters. Facing daily threats from violence and economic deprivation and lacking hope for peace and a viable Palestinian state, many feel the pressure to emigrate. The demise of the living Christian community from the birthplace of the Christian religion would certainly be an irreparable tragedy for the Middle East and the Christian community internationally. For their sake, and for the sake of all, we seek a restoration of hope for a negotiated sharing

of the Holy Land and the city of Jerusalem, holy to Jews, Christians, and Muslims. We tremble to consider the destructive consequences that would follow the premature moving, as called for by Congress, of the U.S. embassy from Tel Aviv to Jerusalem.

We have heard the cries of fear and mourning of Palestinian Christians and Muslims and of Israeli Jews and pray for their healing and the reconciliation of the Abrahamic family. Be assured of our prayers for you and the president and all others in the administration as you seek to forge a fair and just policy for the two peoples and three faiths who share a common religious heritage in the land we hold as holy.



THE TENET PLAN: ISRAELI-PALESTINIAN CEASEFIRE AND SECURITY PLAN, 13 JUNE 2001

[[After the suicide bombing at the Dolphinarium nightclub in Tel Aviv, then CIA Dir. George Tenet arrived on 7 June to meet with PM Sharon and Pres. Arafat with the aim of arranging a ceasefire. A first draft ("work plan") was presented on 8 June and a (identical) final version on 11 June, reluctantly accepted by Israel and by Arafat, with reservations, on 12 June and took effect on 13 June. The Tenet plan was a prerequisite for the Mitchell Committee recommendations.]

The security organizations of the Government of Israel (GOI) and of the Palestinian Authority (PA) reaffirm their commitment to the security agreements forged at Sharm el-Sheikh in October 2000, embedded in the Mitchell Report of April 2001.

The operational premise of the work plan is that the two sides are committed to a mutual, comprehensive cease-fire, applying to all violent activities, in accordance with the public declaration of both leaders. In addition, the joint security committee referenced in this work plan will resolve issues that may arise during the implementation of this work plan.

The security organizations of the GOI and PA agree to initiate the following specific, concrete, and realistic security steps immediately to reestablish security cooperation and the situation on the ground that existed prior to 28 September.

1. The GOI and the PA will immediately resume security cooperation.

A senior-level meeting of Israeli, Palestinian, and U.S. security officials will be held immediately and will reconvene at least once a week, with mandatory participation by designated senior officials.

Israeli-Palestinian District Coordination Offices (DCOs) will be reinvigorated. They will carry out their daily activities, to the maximum extent possible, according to the standards established prior to September 28, 2000. As soon as the security situation permits, barriers to effective cooperation - which include the erection of walls between the Israeli and Palestinian sides - will be eliminated and joint Israeli-Palestinian patrols will be reinitiated.

U.S.-supplied video conferencing systems will be provided to senior-level Israeli and Palestinian officials to facilitate frequent dialogue and security cooperation.

2. Both sides will take immediate measures to enforce strict adherence to the declared cease-fire and to stabilize the security environment.

Specific procedures will be developed by the senior-level security committee to ensure the secure movement of GOI and PA security personnel traveling in areas outside their respective control, in accordance with existing agreements.

Israel will not conduct attacks of any kind against the Palestinian Authority Ra'is facilities: the headquarters of Palestinian security, intelligence, and police organization; or prisons in the West Bank and Gaza.

The PA will move immediately to apprehend, question, and incarcerate terrorists in the West Bank and Gaza and will provide the security committee the names of those arrested as soon as they are apprehended, as well as a readout of actions taken.

Israel will release all Palestinians arrested in security sweeps who have no association with terrorist activities.

In keeping with its unilateral cease-fire declaration, the PA will stop any Palestinian security officials from inciting, aiding, abetting, or conducting attacks against Israeli targets, including settlers.

In keeping with Israel's unilateral cease-fire declaration, Israeli forces will not conduct "proactive" security operations in areas under the control of the PA or attack innocent civilian targets.

The GOI will re-institute military police investigations into Palestinian deaths resulting from Israel Defense Forces actions in the West Bank and Gaza in incidents not involving terrorism.

- 3. Palestinian and Israeli security officials will use the security committee to provide each other, as well as designated U.S. officials, information on terrorist threats, including information on known or suspected terrorist operation in - or moving to - areas under the other's control.*

Legitimate terrorist and terror threat information will be acted upon immediately, with follow-up actions and results reported to the security committee.

The PA will undertake preemptive operations against terrorists, terrorist safe houses, arms depots, and mortar factories. The PA will provide regular progress reports of these actions to the security committee.

Israeli authorities will take action against Israeli citizens inciting, carrying out, or planning to carry out violence against Palestinians, with progress reports on these activities provided to the security committee.

- 4. The PA and GOI will move aggressively to prevent individuals and groups from using areas under their respective control to carry out acts of violence. In addition, both sides will take steps to ensure that areas under their control will not be used to launch attacks against the other side nor be used as refuge after attacks are staged.*

The security committee will identify key flash points, and each side will inform the other of the names of senior security personnel responsible for each flash point.

Joint Standard Operating Procedures (SOP's) will be developed for each flash point. These SOP's will address how the two sides handle and respond to security incidents; the mechanisms for emergency contact; and the procedures to deescalate security crises.

Palestinian and Israeli security officials will identify and agree to the practical measures needed to enforce "no demonstration zones" and "buffer zones" around flash points to reduce opportunities for confrontation. Both sides will adopt all necessary measures to prevent riots and to control demonstration, particularly in flash-point areas.

Palestinian and Israeli security officials will make a concerted effort to locate and confiscate illegal weapons, including mortars, rockets, and explosives, in areas under their respective control. In addition, intensive efforts will be made to prevent smuggling and illegal production of weapons. Each side will inform the security committee of the status and success of these efforts.

The Israeli Defense Forces (IDF) will adopt additional non-lethal measures to deal with Palestinian crowds and demonstrators, and more generally, seek to minimize the danger to lives and property of Palestinian civilians in responding to violence.

5. *The GOI and the PA, through the auspices of the senior-level security committee, will forge - within one week of the commencement of security committee meetings and resumption of security cooperation - an agreed-upon schedule to implement the complete redeployment of IDF forces to positions held before September 28, 2000.*

Demonstrable on-the-ground redeployment will be initiated within the first 48 hours of this one-week period and will continue while the schedule is being forged.

6. *Within one week of the commencement of security committee meetings and resumption of security cooperation, a specific timeline will be developed for the lifting of internal closures as well as for the reopening of internal roads, the Allenby Bridge, Gaza Airport, the Port of Gaza, and border crossings. Security checkpoints will be minimized according to legitimate security requirements and following consultation between the two sides.*

Demonstrable on-the-ground actions on the lifting of the closures will be initiated within the first 48 hours of this one-week period and will continue while the timeline is being developed.

The parties pledge that even if untoward events occur, security cooperation will continue through the joint security committee



**UNITED STATES CONFERENCE OF CATHOLIC BISHOPS,
OFFICE OF SOCIAL DEVELOPMENT & WORLD PEACE,
RESOLUTION ON THE ISRAELI-PALESTINIAN CRISIS, 15 JUNE 2001**

During the last nine months we have watched with sorrow and dismay as opportunities for peace in the Middle East have been lost in a spiral of violence. This violence is clearly seen in the destruction of so many homes, in the growing number of wounded and disabled, and most of all in the number of Palestinians and Israelis who have lost their lives, including many children and youth. This cycle of violence has exacerbated an already dangerous situation and dimmed prospects for peace. In this time of darkness, we make our own the prayer of Pope John Paul II:

The terms of the Middle East drama are well known: "The Jewish people, after tragic experiences connected with the extermination of so many sons and daughters, driven by the desire for security, set up the State of Israel. At the same time the painful condition of the Palestinian people was created, a large part of whom are excluded from their land.... Gathered here today, we present to the One God, to the Living God, to the Father of all, the problems of peace in the Middle East and also the problem, which is so dear to us, of the rapport and real dialogue with those with whom we are united - in spite of the differences - by faith in one God, the faith inherited from Abraham. May the spirit of unity, mutual respect, and understanding prove to be more powerful than what divides and sets in opposition." (Homily from Otranto, Italy, Oct. 5, 1980)

In this spirit, we reiterate our strong call of November 2000: "The only acceptable option is an end to the violence, respect for the basic human rights of all, and a return to the path of peace." (US Catholic Conference, November 15, 2000.) A way must be found to return quickly to genuine negotiations, embracing, as far as possible, the gains made in the last rounds of final status talks. We deeply regret that the negotiations last summer and fall did not achieve a lasting settlement. Despite that failure and recent, terrible events, it is not too late to embrace nonviolence, dialogue and negotiation as the only road forward. The steps toward a just and lasting peace remain the same: real security for the State of Israel, a viable state for Palestinians, just resolution of the refugee problem, an agreement on Jerusalem which protects religious freedom and other basic rights,⁴² an equitable sharing of resources, especially water,

⁴² The question of Jerusalem involves two aspects. *Territorial sovereignty* is a bilateral question for Israelis and the Palestinian Authority to resolve equitably and by negotiations according to UN Resolutions. The *religious*

and implementation of relevant UN resolutions and other provisions of international law.⁴³ These steps will pave the way to a future of cooperation and accommodation rather than occupation and conflict.

As supporters of the State of Israel and a state for Palestinians, we recognize that each side in this conflict has deep, long-standing and legitimate grievances that must be addressed if there is to be a just and lasting peace.

It is necessary for all to recognize that Palestinians rightly insist on an end to Israel's three-decade-long occupation of the West Bank and Gaza and to the continued establishment and expansion of settlements. Palestinians see this occupation, maintained by force and marked by daily indignities, abuse and violence, as a central underlying cause of the present crisis. Israel has a fundamental right to security, but security will not be won by ongoing annexation of Palestinian land, blockades, air strikes on cities, destruction of crops and homes, and other excessive uses of force.

It is also necessary for all to recognize that Israelis rightly see the failure of Palestinians to demonstrate full respect for Israel's right to exist and flourish within secure borders as a fundamental cause of the conflict. Palestinian leaders must clearly renounce violence and terrorist acts against innocent civilians, take effective steps to stop them, and bring to justice those responsible. The violence undermines the trust required to make peace and weakens the Palestinian search for justice. The Palestinian Authority must show the Israeli people that it is fully committed to prepare its people to live in peace with Israel.

These times call for new attitudes on the part of all the parties to the conflict. "We all know," the Holy Father said during his recent visit to Syria, "that real peace can only be achieved if there is a new attitude of understanding and respect between the peoples of the region, between the followers of the three Abrahamic religions.... [I]t is important that there be an evolution in the way the peoples of the region see one another and that at every level of society the principles of peaceful coexistence be taught and promoted." (Remarks upon arrival in Damascus, Syria, May 5, 2001.)

In the same spirit, this is a moment that requires that more Palestinian leaders and supporters of the Palestinian cause not simply advocate a Palestinian state, but also be unambiguously clear about Israel's right to peace and security, and the imperative to end all violence. This moment equally requires that more Israeli leaders and supporters of the State of Israel not only defend Israel and her people, but also advocate for the legitimate aspiration of Palestinians to live in their own homeland with dignity. At the same time, each community must refrain from inciting hatred against the other. We pray that the voices urging respect for the rights and aspirations of both Israelis and Palestinians will be heeded by their leaders and people. The just claims of both peoples should also enjoy the active support of Christians throughout the world. Civic, educational and religious leaders should be challenged to refrain from fanning the flames of ethnic and religious prejudice and be encouraged to promote a process of reconciliation without which peace will never be a reality.

While peace will ultimately spring from new attitudes and new ways of acting on the part of Palestinians and Israelis, our government, as well as the entire international community, must be actively engaged, in appropriate and significant ways, in working for a just and comprehensive solution to this conflict. We expect that they will do so in a way that responds respectfully to the legitimate claims and expectations of both parties, and does not acquiesce in unilateral actions which undermine negotiations.

dimension of Jerusalem, especially the "Old City," involves the need to preserve its unique and sacred character, both the Holy Places and the living communities of believers there. In order to safeguard the religious and human dimensions of Jerusalem, the Holy See has long advocated a special statute, internationally guaranteed. This statute would secure: (1) freedom of religion and conscience for all; (2) the juridical equality of the three monotheistic religions; (3) respect for the identity and sacred character of the City; (4) protection of and freedom of access for all to the Holy Places; (5) the regime of "status quo" in Holy Places where it applies. This statute, to be negotiated by the two parties in consultation with the three religious communities, could be guaranteed by the UN, the sponsors of the peace process, or another entity, but, in any case, should be sanctioned by the United Nations.

⁴³ Among the pertinent UN Resolutions are nos. 242, 338, and 194.

As Catholics in the United States, we have a special concern for the toll the Israeli-Palestinian struggle is taking on the Christian communities in the area. The native-born Christian presence in Israel and the occupied territories, less than two per-cent of the total, risks shrinking into insignificance, in no small part due to the present troubles and their human and economic consequences. Other developments, such as the concerns of Christians about the Nazareth mosque, only exacerbate a sense of marginalization. As a result of these and other factors, the future of a living Christian presence in the Holy Land is in doubt. The Latin Patriarch Michel Sabbah, himself a Palestinian from Nazareth, has pleaded with families to remain as faithful witnesses to the Gospel in the Holy Land. Regrettably, many families have already emigrated and many more are tempted to do so. Partnerships with Catholic parishes in the Holy Land are one way to encourage the Christian presence there.

Mindful of our historic debt to the Church in the Holy Land and our duties of solidarity to a sister church in severe need, we ask Catholics in the United States to join in strengthening the Church there during the present crisis and supporting its work for a just peace. We urge Catholics to be much more conscious of and give much greater attention to the crisis in the Middle East, and do what they can to support a living Christian presence in the land of Jesus' birth. We urge them to be unflinching in pressing our government to play an active and constructive role in the search for a just peace. We urge them to reach out in dialogue and joint action with Jews, Muslims and other Christians in this country. Finally, we urge them to support generously the urgent relief and development work of Catholic Relief Services, the Catholic Near East Welfare Association, the Assembly of Catholic Bishops of the Holy Land, and other worthy initiatives. The efforts of these and other organizations would be severely undermined if the US government were to cut off humanitarian aid for the occupied territories, as some are proposing.

We pray that the God of peace, who has called us to be ambassadors of reconciliation, will achieve what human means alone cannot. Confident in God's blessings, we ask US Catholics to join us through their prayers, their fasting and their good works in assisting Palestinians and Israelis, Jews, Muslims and Christians, in securing justice and peace in the Holy Land.



**US AMBASSADOR TO ISRAEL MARTIN INDYK, SPEECH ON THE LESSONS
LEARNED FROM THE PEACE PROCESS, TEL AVIV, 12 JULY 2001 [EXCERPTS]**

[Indyk delivered the speech at the Jaffee Center for Strategic Studies before leaving his post in Israel.]

We achieved, of course, a series of interim agreements on the Palestinian track. We supported an Israeli withdrawal from Lebanon and the implementation of Resolution 425. But ultimately, we fell short of achieving that comprehensive peace that we aimed for...

What we got instead was the Intifada, the violence, the death and the destruction of the hope for peace. What we discovered in the process was how easy and quick it was to destroy everything that had been so painstakingly built up over the past seven years, and how easy it was to replace it with primeval, tribal hatred, anger and mistrust. Why this happened is a long and complicated story. Lack of leadership on the Arab side, Israeli politics, gaps in culture and negotiating styles, failure to live up to commitments, American missteps, and on and on. There is enough blame to go around. I guess a few others and I, myself, will be writing about it for many years to come.

This evening what I wanted to do is spend a little time talking about the lessons we might learn from this experience, for how best to get out of the current crisis between you Israelis and the Palestinians. The first lesson, I believe, is the importance of preventing the reemergence of the Arab military option. Bear in mind again that the window of opportunity opened in 1993 because the military option on the Arab side had been dealt a decisive blow. There was no way in which the Arabs could seek redress for their grievances through the use of force and they - all of them - of course, Egypt had decided to do this many years before, but all of them now had decided to try to redress their grievances

through direct negotiations. They had come to understand that pursuing war against Israel only brought more trouble down on their heads. Through war, through the use of the military option, they could not regain the lands that Israel occupied in 1967.

The greatest danger to Israeli and American aspirations for peace now would be if violence was rewarded as a result of the Palestinian resort to violence. If the military option regained credibility again, if the Intifada would spread to a regional conflagration, the treaties with Egypt and Jordan would come under serious threat and could well be broken.

So far, in the handling of this Intifada, that has not happened. It's important to understand why. I think it's in part because of the restrained use of force by Israel: Israel's own understanding of the limitations on its use of force, and the need to consider every move in the context of its potential for generating regional instability and the push towards a regional war. It's also in part a result of the desire of your Arab neighbors to avoid such a regional conflict. President Mubarak, in particular, as the leader of the largest, most influential, militarily most powerful Arab country, has stood firmly against the idea of a return to the Arab military option. He is being supported in that by Jordan, by Saudi Arabia, and although with its conditional support, even by Syria. Damascus has wanted to continue to pressure you so that the Golan Heights will remain on the agenda for ultimate negotiations, but not to allow that pressure from Hizbullah in the Shaba farms to degenerate into an all-out war between Israel and Syria. As a result of the brakes being applied in these Arab states to the slide to war, the chance for peace has been helped to be preserved. Along the way, this has helped to contain the Intifada, because some on the Palestinian side would love to be able to threaten our interests and the interests of the other Arab states by managing to spread the violence from the West Bank and Gaza and Israel to the rest of the Arab world. Without being able to do so, the Intifada itself has been contained quite effectively.

It's important as Israel and the United States try to find a way to stop the violence, that the suppression of the Arab military option continues to be a very high priority. It serves our interest in regional stability, and we appreciate the way in which Israel's policy of restraint has helped to maintain that regional stability. For those who would argue against the policy of restraint out of frustration or anger, or just the sheer, visceral desire to teach the other side a lesson, they should bear in mind the consequences of that kind of policy for your interests in preventing the resurrection of the Arab military option, and for our interests in regional stability.

Lesson two is equally important. It is that just because the Middle East Peace Process failed does not mean it should be abandoned. I listened with great interest to Shai Feldman's reciting of the results of the latest Jaffee Center poll, which suggests that 58% of Israelis continue to believe in not just the peace process, but the Oslo Process, despite everything that has happened. On the other hand - again out of frustration with the situation - many people in Israel are now debating and advocating a policy of unilateralism. You call it "separation." Some of you try to beautify it by calling it "disengagement." But that is the antithesis of the peace process. It is the antithesis of the direct negotiations based on UN Resolution 242, which have been the hallmark of Israeli policy towards achieving peace since 1967. That policy didn't begin with Oslo. It began after the June war in 1967 when Israel agreed to Resolution 242 as the basis for its efforts to make peace, and, in the process, agreed to Resolution 242's key clauses which provided for Israeli withdrawal to secure and recognized borders, in exchange for peace treaties with your Arab neighbors - that is, an exchange of territories for peace. Unilateral separation is equivalent to territories for nothing. Some of you will say, "Well, we didn't get anything in the peace process with the Palestinians anyway!" But what you got was agreements - and I'll come back to that point in a moment about the need to recognize the sanctity of those agreements. If you pursue a unilateral course, you abandon the effort to achieve agreements. And you send a message to the other side that unilateralism is OK for them as well. Your withdrawal to whatever line you draw will be unilateral. It will not be recognized internationally, unlike the withdrawal from Lebanon, which was to the international border with Lebanon, as drawn by the United Nations, and your withdrawal was recognized by the United Nations. Such a unilateral withdrawal from the West Bank will not be recognized, that is of course unless it is to the June 4th '67 lines, which I don't believe anybody who advocates separation would support. So, because it will not be recognized, because it will remain controversial, because you will retain some territo-

ries beyond the June 4th '67 lines, the last line of your withdrawal will become the first line of the Palestinian attack. If you think mortars are a problem now, imagine what it could become then. And what will you do? How will you deal with it if the violence continues, as it is bound to do.

The third problem is the perception of weakness that you will create in the minds of those on the other side who would seek to redress their grievances through the use of violence. It bolsters the advocates of the military option. It gives them the very argument that Sheikh Nasrallah, the head of Hizbullah, now uses, that through violence you can force Israel to withdraw from Arab territory, rather than through negotiations. This will especially be the case if, in the process of your withdrawal, you also evacuate settlements. Don't misunderstand us. Evacuation of some settlements will be necessary in the context of an agreement. But in the context of a unilateral act of separation, the evacuation of settlements which have been built with such a huge investment by successive governments of Israel since 1967 would forcefully underscore the perception that through violence you can produce Israeli territorial concessions.

What do you do about Jerusalem? Do you put a fence around Jerusalem and cut off 200,000 Palestinian Arabs from the West Bank? And in the process make Jerusalem the focus of violent activity against you? Or do you put a fence between the Arab and Jewish neighborhoods of Jerusalem and thereby divide the city? And what do you do about the Palestinian economy? It will surely face a collapse in such a circumstance of unilateral separation, and you will have a failed state on your borders. So lesson number two is not to go for separation, or unilateralism, but to find a way to make the peace process work more effectively. And that leads you in the direction of dealing with Yasser Arafat. Some, of course, argue that the lesson here is to replace the Palestinian leadership. But we've been through many efforts by Israeli governments to try to create a Palestinian leadership more to your liking, that you can deal with. There was the Jordanian option, there was the Village Leagues, there was the Internal Leadership option, and none of them worked. You are more likely to get Hamas and Hizbullah as your partners than some more reasonable or reliable Palestinian leadership.

So, I would argue that with all the problems involved, it's better to deal with Arafat and get him to stop the violence than it is to seek an alternative. Of course, you will all say, "We cannot trust him, he didn't live up to his commitments, why should we expect that he will do it again?" This reminds me of an experience I had when I was here at Tel Aviv University in 1975 during the Kissinger shuttles. Many of you will remember that time as a time of great tensions between the United States and Israel. Henry Kissinger was talking about the "reassessment." I was here studying at the Machon Shiloah in those days, and I had a student friend who was very concerned about what was happening, and he would constantly say to me, "Ask me if I trust Kissinger." And I would say, "Why?" "Just ask me, ask me if I trust Kissinger!" So I would say, "Do you trust Kissinger?" He would go all red-faced and say, "Do I have a choice!" And that's my answer to you. You don't trust Arafat, but do you have a choice? I would say, that compared to the alternatives, it's the least worst alternative. I know this is not a popular conclusion, but I would still argue that compared to going it alone in terms of unilateral separation, or going back into the West Bank and Gaza and trying to do the job yourselves, it's better to try again, yet again, to get Yasser Arafat to do the job to stop the violence. And I would argue that it is possible...

That leads me to a fourth lesson that comes out of this peace-making effort over the last eight years. It is the importance of respecting agreements - the importance of preserving the sanctity of agreements struck. The problem with the Oslo process was that the agreements were observed in the breach. The Palestinians didn't give up violence. They didn't give up terrorism. They didn't give up incitement. And Israel didn't do the third further redeployment. It delayed the implementation of the other territorial steps, and the settlement population was doubled, and settlements expanded considerably. The bargain of Oslo was territories for security, and it broke down. Israelis didn't get the security they had the right to expect. And the Palestinians did not get the territory that they had come to expect. And we see the same problem to a smaller degree in what is happening today. Yasser Arafat agrees to the Tenet Work Plan, but he doesn't fulfill the commitment, or he does it only partially. And because he does it partially, Israel feels it necessary only to observe its commitments under the Tenet Plan partially as well. If this continues, we will see the collapse of the Tenet Plan, a breakdown of this process of trying to end the violence, and a return to the cycle of violence that we have lived through over the

last nine months - except I fear with much greater consequence. And so the lesson is that both sides must live up to their commitments. In particular in this circumstance, as the effort is undertaken to get Arafat to live up to his commitments, it is important that Israel do so as well.

Lesson five is probably going to strike you as a strange one. It is the advantages to Israel that come from international legitimacy. The days of "Oom-Shmoom" are back.* And understandably so, given the behavior of the peacekeeping operations of the United Nations. But, over the last eight years of the peace process, I think there are many examples of the way in which Israel has benefited from the involvement of the international community and from the fact that, in certain specific instances, Israel has international legitimacy on its side. The clearest example of this is in the withdrawal of Israel from Lebanon, fulfilling UN Security Council Resolution 425, and thereby gaining international legitimacy for its position that when Hizbullah violates the blue line as it does on a regular basis, Israel has the right to defend itself. Although that situation can become tense from time to time, it is extraordinary to look back over the last year and see how limited the Hizbullah operations have been and how limited Israeli casualties have been as a result of this withdrawal and the protection provided by international legitimacy.

In this crisis that we face at the moment, part of my argument is that you need help to stop the violence, and for that you need the involvement of the international community. Yasser Arafat cares about his international legitimacy. He declared a unilateral cease-fire not just because we demanded it - and President Bush has been demanding it from day one of his assumption of office - but because the international community came to demand it forcefully in the wake of the outrageous suicide bombing and killing of 21 Israeli teenagers outside the Dolphinarium disco. Arafat declared that cease-fire in the presence of German Foreign Minister Joschka Fischer, representing the EU, and Terje Larsen representing the United Nations. He needed international cover. That need applies to the Arab states as well. We know now from eight years of experience that Yasser Arafat will always hesitate to move forward in the peace process unless he has Arab cover and specifically Egyptian cover. So, the role of Egypt and Jordan, Israel's peace treaty partners, also becomes very important in the achievement of these objectives.

It leads me to another point which again may seem a little heretical. I would argue in the same vein that Israel does not need to be afraid of international monitors. You have international monitors in Hebron. Does anybody know that? It's called the "Temporary International Presence in Hebron." Israel survived. Some of you may recall that we established the Israel-Lebanon Monitoring Group which was designed to oversee respect for the April '96 understandings that Warren Christopher brokered and that governed the behavior of Israel and Lebanon and the Hizbullah forces during the time that Israel remained in Lebanon from 1996 until last year. Believe it or not, maybe some of you will remember that France, yes France, was the co-chair of the monitoring group, and it had an ability to go investigate situations. Israel found it considerably to its advantage to do so. I don't want to be seen here as advocating monitors for this situation, but only to suggest that in certain circumstances, under certain conditions, monitors might not be such a bad idea in order to preserve Israel's interests, and in order to provide the fig leaf that could help to end the violence.

I will give you another example. The Mitchell Committee itself was at first seen in Israel as a very bad development - an international commission of inquiry that would put Israel on trial for the Intifada violence. Of course, it had the potential to do that. But with our involvement and your government's engagement, and the careful structuring of the Committee, it turned out that the Mitchell Committee served an extremely useful purpose by coming up with a balanced account of what had happened and what could be done about it. Its recommendations were accepted wholeheartedly by your government, in particular because the Mitchell Committee came down so clearly and forcefully on the need for a unilateral cessation of violence, on the need for Yasser Arafat to make a hundred percent effort to stop the terrorism and stop the violence.

So, in this complicated world and particularly in this complicated crisis, I believe that the involvement of the international community, properly structured under American leadership, can serve Israel's interests very effectively.



**EUROPEAN UNION FOREIGN MINISTERS, GENERAL AFFAIRS COUNCIL,
STATEMENT ON THE SITUATION IN THE MIDDLE EAST, BRUSSELS, 16 JULY 2001**

The current situation between Israelis and Palestinians is very dangerous for the two peoples and for the stability of the region. The Council once again expresses its deep concern about this situation. In order to break the deadlock, curb the escalation and resume a political process, there is no option but to apply the recommendations of the Mitchell Commission. The High Representative, Mr Solana, member of that Commission, is requested to continue his efforts to this end.

The Mitchell Commission's recommendations must be immediately and fully implemented. Any delay or further conditions placed on the implementation of these recommendations would play into the hands of the extremists and perpetuate the violence.

At the same time, all the commitments given to securing a cessation of the violence must be scrupulously observed. The efforts undertaken to this end must be continued and intensified. Terrorism must be fought with unfailing determination. Extrajudicial executions are contrary to international law.

The two sides must refrain from all provocation. No action aimed at weakening and destabilising the other side should be taken. Each party needs to convince itself that the other party represents its sole partner for peace.

A third-party monitoring mechanism is needed in order to overcome any obstacles that might impede the application of the recommendations. It would serve the interests of both parties.

The European Union remains ready to play its part in close cooperation with the United States as well as with UN Secretary General Kofi Annan and all the partners engaged in the search for peace in the Middle East.



**G-8 FOREIGN MINISTERS, STATEMENT ON THE SITUATION
IN THE MIDDLE EAST, ROME, 19 JULY 2001**

In the light of the alarming developments in the Middle East, we reaffirm that the Mitchell Report in its entirety is the only way forward to break the deadlock, to stop the escalation and to resume a political process.

The cooling-off period must begin as soon as possible. This means:

- all extremism and terrorism must be opposed; they cannot be allowed to dictate the security environment;
- all the commitments given to securing a cessation of violence must be scrupulously observed;
- each party must refrain from provocation and incitement;
- no action should be taken by either party which undermines the other. We believe that in these circumstances third-party monitoring accepted by both parties would serve their interests in implementing the Mitchell Report.



**G-8 SUMMIT, STATEMENT ON THE MIDDLE EAST,
GENOA, 21 JULY 2001 [EXCERPTS]**

The situation in the Middle East presents a grave danger. Too many lives have already been lost. We can not stand by while the situation deteriorates. There is a need for immediate action.

The urgent implementation of the Mitchell Report is the only way forward. The cooling-off period must begin as soon as possible. Violence and terrorism must stop. Third-party monitoring, accepted by both Parties, would serve their interests in implementing the Mitchell Report.

We endorse fully the G8 position enunciated by our Foreign Ministers on July 19th.



**ISRAELI AND PALESTINIAN PEACE LEADERS,
COMMON DECLARATION, 27 JULY 2001**

We, the undersigned Israelis and Palestinians, are meeting in the most difficult of circumstances for both our peoples. We come together to call for an end to bloodshed, an end to occupation, an urgent return to negotiations and the realization of peace between our peoples. We refuse to comply with the ongoing deterioration in our situation, with the growing list of victims, the suffering and the real possibility that we may all be drowned in a sea of mutual hostility.

We hereby raise our voices and implore all people of goodwill to return to sanity, to re-discover compassion, humanity, and critical judgment and to reject the unbearable ease of the descent into fear, hatred, and calls for revenge.

In spite of everything we still believe in the humanity of the other side, that we have a partner for peace and that a negotiated solution to the conflict between our peoples is possible. Mistakes have been made on all sides, the trading of accusations and pointing of fingers is not a policy and is no substitute for serious engagement.

The impression that exists in both communities that 'time is on our side' is illusory. The passage of time benefits only those who do not believe in peace. The longer we wait, the more innocent blood will be spilt, the greater will be the suffering and hope will be further eroded. We must move urgently to re-build our partnership, to end the de-humanization of the other, and to revive the option of a just peace that holds out promise for our respective futures.

The way forward lies in international legitimacy and the implementation of UNSCR 242 and 338 leading to a 2-State solution based on the 1967 borders, Israel and Palestine living side-by-side, with their respective capitals in Jerusalem. Solutions can be found to all outstanding issues that should be fair and just to both sides and should not undermine the sovereignty of the Palestinian and Israeli states as determined by their respective citizens, and embodying the aspirations to statehood of both peoples, Jewish and Palestinian. This solution should build on the progress made between November 1999 and January 2001.

The immediate need is for the full and accurate implementation of the Recommendations of the Mitchell Committee, including: the cessation of violence, a total freeze on settlement activity, the implementation of outstanding agreements and a return to negotiations. This process needs to be monitored by an objective third party.

We see it as our duty to work together and each of us in their own communities, to put a halt to the deterioration in our relations, to rebuild trust, belief and the hope for peace.

Palestinian signatories:

Yasser Abed Rabbo, Minister of Culture and Information; Hisham Abdul-Razek, Minister of Detainees and Ex-Detainees Affairs; Nabil Amr, Minister of Parliamentary Affairs; Dr. Hanan Ashrawi, PLC Member, Secretary-General of the Palestinian Initiative for Global Dialogue and Democracy; Hakam Balawi, PLC Member; Dr. Sari Nuseibeh, President, Al-Quds University; Dr. Gabi Baramki, Bir Zeit University; Hafez al-Barghouti, Editor, al-Hayat al-Jadida Daily; Dr. Nazmi al-Ju'beh, Director-General, Riwaq; Dr. Salim Tamari, Director, Institute for Jerusalem Studies; Suleiman Mansour, Director, Al-Wasiti Art Center; Dr. Mahdi Abdul-Hadi, director PASSIA; George Ibrahim, Director, Al-Qasaba Theater; Sufian Abu-Zaideh, Deputy Minister, Ministry of Civil Affairs; Jamal Zaqout, Director-General, Ministry of Civil Affairs; Sama'an Khoury, Director-General, Palestine Media Center; Dr. Samir Abdallah, Director, Pal-Trade; Samir Hulieleh, Manager, Nassar Investment Co.; As'ad al-As'ad, Writer; Abdul-Rahman Awad, Writer; Samir Rantisi, Media Advisor to the Minister of Culture and Information; Nisreen Haj-Ahmad, Lawyer; Rami Shehaded, Lawyer; Ghaith Al-Omari, Lawyer.

Israeli signatories:

Dr. Janet Aviad, Peace Now; Chaim Oron, former Minister, Meretz; Prof. Arie Arnon, Peace Now; Yossi Beilin, former Minister, Labor; Prof. Menachem Brienker, Hebrew University; Prof. Galia Golan, Peace Now; David Grossman, author; Dr. Yossi Dahan; Prof. Moshe Halberthal, Hebrew University; AB Yehoshua, writer; Prof. Yirmiyahu Yovel, Hebrew University; Prof. Dan Yaacobson, Tel Aviv University; Prof. Ephi Ya'ar, Steinmatz Institute for Peace; Daniel Levy, ECF; Ronit Matalon, writer; Prof. Avishai Margalit, Hebrew University; S. Yizhar, writer; Prof. Sami Samuha, Haifa University; Amos Oz, writer; Ron Pundak, ECF, Peres Peace Center; Yair Tsaban, Former Minister, Meretz; Dr. Nissim Calderon; Prof. Ephraim Kleinman; Dr. Menachem Klein, Bar Ilan University; Dr. Aviad Kleinberg; Adv. Tzali Reshef, Peace Now; Prof. Yuli Tamir, former Minister, Labor.



**EUROPEAN UNION PRESIDENCY, DECLARATION ON THE
SITUATION IN THE MIDDLE EAST, 1 AUGUST 2001**

The Presidency of the European Union expresses its deepest concern in view of the deterioration of the situation in the Middle East and the renewed escalation of violence of the last few days, which further complicate the current diplomatic efforts aiming at relaunching the political process.

The Presidency urges all parties to show maximum restraint and to make concrete and immediate gestures in order to meet the expectations of the international community as largely reflected in the conclusions of the GAC (16th July) and the G8 Summit Declaration (21st July).

The Presidency stresses the EU's conviction as to the urgency of the full implementation of the Mitchell recommendations as well as to the interest of both parties in actively co-operating to the rapid establishment of a third-party monitoring mechanism.

The Presidency is disturbed by the killing of eight Palestinians in the West Bank (31st July), and the report of the death of two children near the explosion.

The Presidency reiterates the EU's rejection of targeted assassinations of Palestinians militants by Israel, which are illegal under International Law. Unilateral provocative actions of that kind can only lead to further escalation and therefore postpone a return to a situation of calm.

The Presidency exhorts the Palestinian Authority to intensify with unfailing determination its efforts against extremist violence and terrorism. The Presidency cannot but deplore the killing and wounding of innocent civilians caught in the current confrontations.



GUSH SHALOM, PROPOSAL OF A PEACE AGREEMENT, 10 AUGUST 2001

[The proposal was published in Hebrew in a full-page ad in Ha'aretz on 10 August 2001.]

"Now, more than at any other time, the struggle for peace must not stop. The following declaration of principles is a proposal for joint Israeli-Palestinian discussion. It should not be considered a take-it-or-leave-it proposition.

We went into details in order to express our conviction that all the issues at stake - the components of the conflict - can be resolved. Not by diktats, not by an overbearing master-and-servant attitude, but by negotiations between equals.

The government and the army leadership are leading us into a hell of blood and fire. We call upon all peace-seekers in Israel to unite for the future of the two peoples of this country, Jewish Israelis and Palestinian Arabs.

The country has given birth to us as twins."

PEACE AGREEMENT (DRAFT PROPOSAL) BETWEEN THE STATE OF ISRAEL AND THE PALESTINE LIBERATION ORGANIZATION, THE REPRESENTATIVE OF THE PALESTINIAN PEOPLE.

Whereas both parties wish to end the historical conflict between them, establish peace and bring about a historical conciliation between the two nations,

And whereas both parties wish to base the peace on the principles of self-determination, mutual respect, justice and equality,

And whereas both parties acknowledge the principle of "two states for two nations",

And whereas both parties accept UN resolutions 242, 338 and 194 as the basis for a solution and regard the implementation of the agreement below as the full realization of these resolutions,

It is agreed by both parties:

Section 1: The End of the Occupation.

Within one year, the Israeli occupation, in all its manifestations and functions, in the West Bank and the Gaza Strip, including Arab East Jerusalem, will come to an end.

Section 2: The State of Palestine.

Within one year, the independent and sovereign State of Palestine will be established on the West Bank and the Gaza Strip, including Arab East Jerusalem, the part of the Dead Sea that borders the Palestinian shore and the territorial waters of the Gaza Strip.

Section 3: Borders.

The border between the State of Israel and the State of Palestine will be the cease-fire lines as they existed on June 4th 1967 (hereinafter: the Green Line), unless stipulated otherwise in this agreement.

The State of Palestine will have full sovereign control of all its border crossings on land, sea and air.

Both parties wish that the border between them should be open, with unrestricted passage of people and goods, within the framework of the economic and border-passing arrangements to be agreed upon by the parties.

Section 4: Jerusalem.

Both parties acknowledge the uniqueness of the City of Jerusalem and declare their intention to preserve it as a single urban unit, open to all.

The Arab neighborhoods of the city, according to the map attached, will be an integral part of the State of Palestine and will serve as its capital. These areas of the city will be connected to each other and to the State of Palestine as a single, continuous, territorial entity.

The Jewish neighborhoods of the city, according to the map attached, will be an integral part of the State of Israel and will serve as its capital. These areas of the city will be connected to each other and to the State of Israel as a single, continuous, territorial entity.

The Jewish quarter of the Old City will be part of the State of Israel and will be attached to its territory. The Muslim, Christian and Armenian quarters of the Old City will be part of the State of Palestine.

There will be no barriers or obstacles preventing unrestricted passage between the two parts of the City. Both parties will establish border checkpoints, if they so decide, at the entrances/exits of the City.

The municipality of the Palestinian Jerusalem and the municipality of the Israeli Jerusalem will establish a joint council, based on the principle of equality, to manage the shared municipal services. The council will be headed by the chairman of the council and his/her deputy, one of whom will be Israeli and the other Palestinian. They will rotate their positions after two years. The first assignment will be determined by lot.

Section 5: Holy Sites.

Both parties acknowledge the uniqueness of the Holy Sites and their importance to the believers of the three monotheistic religions.

The area of the Haram al-Sharif (Temple Mount) will be part of the State of Palestine.

The Western Wall (the part also called "the Wailing Wall") will be part of the State of Israel.

All archeological or other excavations in the area of the Haram al-Sharif (the Temple Mount), the Western Wall or in their immediate vicinity shall be undertaken by mutual consent.

Section 6: Exchange of Territory.

Exchange of territories can be effected by agreement between both parties.

Section 7: Extra-territorial Roads.

A highway will be constructed between the West Bank and the Gaza Strip and it will belong to the State of Palestine. The highway will not be connected to the Israeli road network at any point and will pass either above or below it.

Section 8: Security.

Both parties have the right to national and personal security.

Both parties renounce the use of force and the threat of force against each other.

Both parties undertake to combat terrorism and terrorist initiatives organized in one state against the other, its residents and institutions.

Both parties undertake to prevent the entry of any foreign military force into their territories. Any contravention of this section by either state will grant the other state the right to take any measures required for self-defense.

The State of Palestine undertakes to refrain from arming itself with heavy offensive weapons for 25 years. This obligation will become void if peace treaties are signed between Israel and the Arab states.

Both parties will come to an agreement regarding the usage of each other's air space.

Section 9: The Settlements.

Residents of the settlements located in territory that is to become part of the State of Palestine will be evacuated from the territory before the end of the Israeli occupation.

The settlements will be transferred intact to the Palestinian authorities, without any damage inflicted on buildings or other immovable property. The property evacuated by the settlers will be considered part of Israel's contribution to the rehabilitation of the Palestinian refugees (as specified heretofore in section 11.)

Section 10: Water.

The water resources of the entire land between the river Jordan and the Mediterranean belong to both parties.

A Supreme Israeli-Palestinian Committee will be appointed and will be responsible for water resources and distribution. Water will be allocated justly and equally, on the basis of the numerical proportion of residents in both states.

Both parties will cooperate in projects for the development of additional water resources, such as desalination of seawater.

Section 11: Refugees.

Both parties agree that the human tragedy of the Palestinians must be resolved by a moral, just, practicable and agreed-upon solution that takes into consideration the character and essential needs of the two states.

Israel acknowledges its central responsibility for the creation of this tragedy during the course of the wars of 1948 and 1967. Both parties will establish a "truth commission" of historians - Israeli, Palestinian and international - that will examine the precise causes that lead to the creation of the problem in all its aspects, and will issue an objective, conclusive report within three years. This report will be incorporated into the schoolbooks of both states.

Israel acknowledges the principle of the Right of Return as a basic human right.

According to this right, every refugee will be accorded the choice between compensation and permanent settlement in another country, return to the State of Palestine or return to Israeli territory, according to the following principles:

- (1) In order to heal the historical wound and as an act of justice, Israel will allow the return into its territory of a certain number of refugees, which will be decided by agreement. The returnees will be allowed back under a reasonable annual quota within a time limit not exceeding 10 years.
- (2) A generous level of compensation will be determined for each refugee for property that remained in Israel, loss of opportunities, etc. The compensation will be paid by an international fund. Israel will contribute an appropriate portion to this fund, taking into account the value of Palestinian property that remained in Israel.
- (3) Israel will use its influence with the international fund so that the Palestinian state will be enabled to absorb refugees who chose to return to it, as well as refugees currently residing in the West Bank and the Gaza Strip, by providing suitable housing and employment opportunities.

Section 12: Implementation of UN Resolutions.

Upon full implementation of sections 1 to 9, both parties will present a formal joint statement to the UN Security Council, declaring that both parties consider resolutions 242 and 338 fully realized. Upon full implementation of section 11, both parties will present a declaration to the UN that resolution 194 has been realized

Section 13: Differences of Opinion.

An agreed-upon international committee will monitor the implementation of this agreement and act as arbitrator in the case of differences of opinion.

Section 14: End of the Conflict.

Full implementation of this agreement will constitute the end of the conflict between Israel and Palestine.



EUROPEAN UNION PRESIDENCY, DECLARATION ON THE SITUATION IN THE MIDDLE EAST, 27 AUGUST 2001

The Presidency of the European Union expresses its deepest concern at the continuing acts of violence in the Middle East, whoever their authors may be. It stresses that the bloodshed can only cease when a degree of political perspective and dialogue is restored. Only then can a satisfactory solution be found to the Arab-Israeli conflict.

The Presidency considers the deliberate assassination of the head of the PFLP, Abu Ali Mustafa, to be a very serious act and reiterates the European Union's position condemning the targeted killings of Palestinian activists.

The Presidency urges the parties to end the vicious cycle of attacks and reprisals and immediately allow the implementation of the recommendations of the Mitchell Report, with the aim of relaunching the peace process.



**UNITED NATIONS, FINAL DECLARATION OF THE WORLD CONFERENCE
AGAINST RACISM (WCAR), PASSAGES ON THE MIDDLE EAST, DURBAN,
SOUTH AFRICA, 8 SEPTEMBER 2001 [EXCERPTS]**

[The following are excerpts of the final declaration dealing with the Middle East.]

[...] Victims of racism, racial discrimination, xenophobia and related intolerance

57. We are conscious of the fact that the history of humanity is replete with major atrocities as a result of gross violations of human rights and believe that lessons can be learned through remembering history to avert future tragedies;
58. We recall that the Holocaust must never be forgotten;
59. We recognize with deep concern religious intolerance against certain religious communities, as well as the emergence of hostile acts and violence against such communities because of their religious beliefs and their racial or ethnic origin in various parts of the world which in particular limit their right to freely practise their belief;
60. We also recognize with deep concern the existence in various parts of the world of religious intolerance against religious communities and their members, in particular limitation of their right to practise their beliefs freely, as well as the emergence of increased negative stereotyping, hostile acts and violence against such communities because of their religious beliefs and their ethnic or so-called racial origin;
61. We recognize with deep concern the increase in anti-Semitism and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas against Jewish, Muslim and Arab communities;
62. We are conscious that humanity's history is replete with terrible wrongs inflicted through lack of respect for the equality of human beings and note with alarm the increase of such practices in various parts of the world, and we urge people, particularly in conflict situations, to desist from racist incitement, derogatory language and negative stereotyping;
63. We are concerned about the plight of the Palestinian people under foreign occupation. We recognize the inalienable right of the Palestinian people to self-determination and to the establishment of an independent State and we recognize the right to security for all States in the region, including Israel, and call upon all States to support the peace process and bring it to an early conclusion;
64. We call for a just, comprehensive and lasting peace in the region in which all peoples shall co-exist and enjoy equality, justice and internationally recognized human rights, and security;
65. We recognize the right of refugees to return voluntarily to their homes and properties in dignity and safety, and urge all States to facilitate such return; [...]

Provision of effective remedies, recourse, redress, and compensatory and other measures at the national, regional and international levels

[...]

99. We acknowledge and profoundly regret the massive human suffering and the tragic plight of millions of men, women and children caused by slavery, the slave trade, the transatlantic slave trade, apartheid, colonialism and genocide, and call upon States concerned to honour the memory of the victims of past tragedies and affirm that, wherever and whenever these occurred, they must be condemned and their recurrence prevented. We regret that these practices and structures, political, socio-economic and cultural, have led to racism, racial discrimination, xenophobia and related intolerance; [...]

Programme of Action

[...]

B. International level

148. Urges all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;
149. Believes that all conflicts and disputes should be resolved through peaceful means and political dialogue. The Conference calls on all parties involved in such conflicts to exercise restraint and to respect human rights and international humanitarian law;
150. Calls upon States, in opposing all forms of racism, to recognize the need to counter anti-Semitism, anti-Arabism and Islamophobia world-wide, and urges all States to take effective measures to prevent the emergence of movements based on racism and discriminatory ideas concerning these communities;
151. As for the situation in the Middle East, calls for the end of violence and the swift resumption of negotiations, respect for international human rights and humanitarian law, respect for the principle of self-determination and the end of all suffering, thus allowing Israel and the Palestinians to resume the peace process, and to develop and prosper in security and freedom; [...].



**PALESTINIAN LEGISLATIVE COUNCIL, LETTER TO THE US CONGRESS ON
THE 11 SEPTEMBER TERRORIST ATTACKS, RAMALLAH, 12 SEPTEMBER 2001**

[The letter was addressed to House Speaker J. Dennis Hastert (R-IL) and signed by PLC speaker Ahmed Qre'i'a]

Dear Mr. Speaker,

I, my colleague members of the Palestinian Legislative Council and the Palestinian people have been shocked by the terrible terrorist attacks against the cities of New York and Washington, D.C., and by the tremendous human loss and tragedy suffered by the American people.

On this sad occasion, I would like to extend our sincerest condolences to you, to the members of the U.S. Congress, to the families of the victims, and to the entire American people. We wish, at this tragic juncture, to reaffirm our complete condemnation of all forms of terrorism and state terrorism against innocent civilians, hoping that you can overcome the tragic consequences of this human catastrophe and that the entire world stands firmly and decisively in order to attain a just and comprehensive peace and to put an end to injustice, oppression, and terrorism.

Our hearts are with you, Mr. Speaker, and with the American people during these sad times.

Please accept, Mr. Speaker, our deepest sympathy.



**WORLD COUNCIL OF CHURCHES, EXECUTIVE COMMITTEE,
RESOLUTION ON ECUMENICAL RESPONSE TO THE PALESTINIAN-ISRAELI
CONFLICT, GENEVA, 14 SEPTEMBER 2001**

The Executive Committee of the World Council of Churches, meeting in Geneva, 11-14 September 2001, *Alarmed and dismayed* by the escalation of violence in the Holy Land since the Central Committee adopted its last "Minute on the Situation in the Holy Land After the Outbreak of the Second Palestinian Uprising" in Potsdam, February 2001;

Expresses its profound condolences to all the victims of the conflict, and especially to the families of those who have been killed in both Palestine and Israel;

Recalls and reaffirms the policies of the World Council of Churches on the pursuit of a just peace in the Middle East, and for the status of Jerusalem; and its commitment to active dialogue among Christians, Muslims and Jews;

Reiterates its appeal to the parties directly involved and to the international community to bring an end to aggressive acts and the violence that have again overtaken the Holy Land and threaten international peace and security;

Welcomes and affirms the initiatives undertaken by the General Secretary and staff of the World Council of Churches in implementing the recommendations of the Central Committee in Potsdam by promoting an active, coordinated ecumenical response to end the *illegal* occupation of Palestine; expressing solidarity with the Churches and *Christian Communities* most directly affected; and providing auspices for member churches to develop a plan of concerted non-violent ecumenical action to protect vulnerable communities in Palestine and to promote an end to the hostilities;

Requests the WCC General Secretary and staff to continue and intensify their facilitating and coordinating role for ecumenical advocacy, networking, communication and active solidarity with the victims of the conflict;

Welcomes and endorses the recommendations of the WCC delegation to Israel and the Occupied Palestinian Territories including Jerusalem in June 2001 as further developed by the International Ecumenical Consultation on the Palestinian - Israeli Conflict held in Geneva, 6-7 August 2001:

- *develop an accompaniment programme* that would include an international ecumenical presence based on the experience of the Christian Peacemakers Team;
- *call upon the WCC member churches and ecumenical partners*, in the context of the Decade to Overcome Violence: Churches Seeking Reconciliation and Peace, *to focus attention in 2002 on intensive efforts to End the Illegal Occupation of Palestine*, and to participate actively in coordinated ecumenical efforts in this connection;
- *consider the organization of an International Conference on the Illegal Occupation of Palestine*, bringing together representatives of the churches, ecumenical partner organizations, competent international bodies, scholars and experts in 2002 as part of the special ecumenical focus on efforts to End the Occupation of Palestine;
- *call for an international boycott of goods produced in the illegal Israeli settlements in the occupied territories; call on member churches and Christians to join in non-violent acts of resistance* to the destruction of Palestinian properties and to forced evictions of people from their homes and lands; and
- *join in international prayer vigils* to strengthen the "chain of solidarity" with the Palestinian people;

Calls upon member churches and ecumenical funding partners to respond as a matter of urgency to this appeal, and to make available the necessary resources for the WCC to be able to fulfill its tasks and responsibilities in relationship to the proposed coordinated ecumenical action plan;

Requests the General Secretary to bring the present resolution to the attention of member churches, ecumenical partners, competent UN bodies and specialized agencies, regional intergovernmental bodies and to Governments of their member states, and to make a progress report on implementation to the next meeting of the Executive Committee.



**PALESTINIAN POET MAHMOUD DARWISH, STATEMENT REGARDING
THE 11 SEPTEMBER TRAGEDY, RAMALLAH, 17 SEPTEMBER 2001**

[The statement - signed by Palestinian writers and intellectuals, incl. Hanna Nasser, Sari Nusseibeh, Salim Tamari, Rima Hamani, Izzat Ghazawi, Hassan Khader, Hanan Ashrawi and many others - was published in Al-Ayyam on 17 September 2001.]

The catastrophe that hit Washington and New York has only one name: the Madness of Terrorism. This catastrophic event was neither a dark science fiction film nor was it the Day of Reckoning. It was terrorism that is country-less, colorless, and creedless, no matter how many names of gods, deities and agonies of man it may have enlisted in order to justify itself.

No cause, not even a just cause, can make legitimate the killing of innocent civilians, no matter how long the list of accusations and the register of grievances. Terror never paves the way to justice, but leads down the shortest path to hell. We deplore this horrendous crime and condemn its planners and perpetrators with all the terms of revulsion and condemnation in our lexicon.

We do this not only as our moral duty, but also in order to reassert our commitment to our own humanity and our faith in human values that do not differentiate between one people and another.

Our sympathy with the victims and their families and with the American people in these trying times is thus an expression of our deep commitment to the unity of human destiny. For a victim is a victim, and terrorism is terrorism, here or there. It knows no boundaries nor nationalities and does not lack the rhetoric of killing.

Nothing, nothing can justify this terrorism that melds human flesh with iron, cement, and dust. Nor can anything justify polarizing the world into two camps that can never meet: one of absolute good, the other of absolute evil. Civilization is the result of world societies contributing toward a global heritage. The accumulation and interaction of which leads toward the elevation of humanity and nobility of consciousness. In this context, the insistence of modern-day Orientalists that terrorism resides in the very nature of Arab and Islamic culture contributes nothing to the diagnosis of the enigma and thus offers no solution. Rather, it makes a solution more enigmatic because it becomes caught in the grip of racism.

Therefore, when America searches for reasons to explain the animosity towards its politics (an animosity not held towards the American people and their globally popular culture), it must distance itself from the concept of the 'conflict of cultures'. It should also dispense with the need to identify an ever-present enemy, necessary to test 'Western supremacy'. Instead, it should move into a political arena, where the United States can meditate on the sincerity of its foreign policy. In particular, it should reflect on its success in the Middle East, where the great American values of freedom, democracy, and human rights have stopped functioning - especially in the Palestinian context where the Israeli occupation remains free from answering to international law while the United States provides it with what it needs of rationalizations and justifications for practices that border on "state terrorism."

We know that the American wound is deep, and we know that this tragic moment is a time for solidarity and the sharing of pain. But we also know that the horizons of the intellect can traverse landscapes of devastation. Terrorism has no location or boundaries, it does not reside in a geography of its own, its homeland is disillusionment and despair.

The best weapon to eradicate terrorism from the soul lies in the solidarity of the international community, in respecting the rights of all peoples of this globe, to live in harmony and by reducing the ever increasing gap between north and south. And the most effective way to defend freedom is through fully realizing the meaning of justice. Security measures alone are not enough since terrorism carries within its folds a multiplicity of nationalities and recognizes no boundaries. The world cannot be divided into two societies, one for the rebels and the other for the officers of the law. But then, nothing, nothing justifies terrorism.



**STATEMENT BY AMBASSADOR NASSER AL-QUDWA, PERMANENT
OBSERVER OF PALESTINE TO THE UN, BEFORE THE 56TH SESSION OF
THE UN GENERAL ASSEMBLY, NEW YORK, 1 OCTOBER 2001**

Mr. President,

During the past few sessions of the General Assembly, Palestine did not actively participate in the debate on terrorism. We did not because of our belief that the Palestinian-Israeli conflict was nearing a solution, with all that necessarily implies in terms of redefining many relevant issues.

We also believed that the increased threat of terrorism essentially involved some groups inside certain states, particularly some Arab States, who aimed at changing the governing system, typically on the basis of an extreme religious position - a phenomenon rejected and confronted by the entire international community. A final reason was because we believed that international terrorism in general was waning and was on its way to defeat.

Unfortunately, we were wrong and perhaps we were too optimistic. In the Middle East and specifically in the Occupied Palestinian Territory, including Jerusalem, the peace process and the situation on the ground deteriorated in an extremely dangerous way and we witnessed the resurfacing of the accusations of terrorism and the counteraccusations of State terrorism and war crimes against the ongoing background of foreign occupation. With regard to internal terrorism, if the term is correct, it did not come to an end either, and we witnessed clear loopholes in the collective international position aimed at putting an end to this kind of terrorism. At the same time, international terrorism was not defeated.

Indeed, it shocked us all when it culminated in the serious tragedy and devastation of the 11th of September in the United States of America.

Somehow all of the above might be related.

Mr. President,

The Palestinian side, through President Yasser Arafat and many other Palestinian officials, has strongly condemned the heinous terrorist act, which took place on 11 September. We have done that not only out of our political responsibility but also in line with our conscience as Muslims, Arabs and Palestinians both Muslims and Christians. There can be no justification whatsoever for this horrible act.

In this regard, we again express our heartfelt condolences to President George Bush, the American Government and the American people, particularly the families of the victims. I would also add that for us, we the family of the United Nations and its Missions who live in New York, at least for a while, our lives and those of our families were impacted as was the life of every inhabitant of this unique city.

The Palestinian side welcomed the clear and strong international reaction against what happened and for confronting the phenomenon of international terrorism. We naturally are ready to add our very modest efforts to the international efforts aimed at bringing the perpetrators of this crime to justice, to prevent any reoccurrence of what happened and to end international terrorism. The United States, as the nation that was attacked and also as the superpower of the world, has strived to form an international coalition to wage a multi-faceted battle against international terrorism. A broad international coalition is a positive development, and we call for the use of the available forum of international work in this respect and we reaffirm as well the importance of international legitimacy. The United Nations, as the Secretary-General has said, can and must play a decisive role. We support this and call for the full engagement of the United Nation organs, including the Security Council, in the upcoming battle in a continuous way.

We also welcome what several officials of the United States and the West generally have stated, including the clear position indicating that this is neither a battle against Islam nor against Arabs. This is an important issue, which needs constant reiteration. There must also be a conscious and continuous resistance of any attempts to distort such a position and push things towards the wrong battle. There are indeed some forces which are trying to do just that and there is at least one State, for its own interest, which is trying to push towards widening the circle to include targets that have nothing to do with the 11' of September or with the battle against terrorist groups with global outreach.

Mr. President,

We must also try to understand what happened and to realize that a successful battle will require rethinking some policies with political, social and economic repercussions with the aim of achieving more just situations everywhere. Why exactly did the terrorists do what they did on the 11th of September? I am unable to give a decisive answer about the reasons for this diabolic act.

The reasons might include a rejection of the West with all its cultural dimensions, which is something we cannot solve through different policies and it has nothing to do with Arabism, Islam or indeed with any logic. We, of course, firmly reject conflict among civilization and we stand for dialogue among civilization and the nurturing of humanity on the basis of diversity and tolerance.

But we should not stop here. We have to look into the negative positions and feelings of millions of Arabs and Muslims towards the United States and some other Western States. These are positions and feelings that grow stronger everyday, competing with the reasonable mainstream and steering it towards extremism. We have to look into the reasons for such a situation that provides a breeding ground for the emergence of groups and actions such as that which took place on the 11th of September.

The main reason may be what the ordinary person in the region has witnessed in terms of policies regarding the issue of Palestine over the course of almost one hundred years. It is an unbelievable story involving the imposition of a gross and severe injustice through long years of pain, suffering, disappointment and unbearable conditions. In addition, other things happened in the region that cannot be completely isolated from the Palestinian issue. All lead the ordinary person in the region to conclude that the system of values and the yardstick basically established by the West, even when we accept them, seem to be inapplicable to us, maybe because we are Arabs and we are Muslims.

We must bring all this to an end, and in particular we must solve the issue of Palestine in a just way, thus ending the source of huge anger and despair in the region.

That in itself, if achieved, is not going to conclude the battle against international terrorism, but it is a necessary condition to gain in the battle that the international community must wage in any case.

Mr. President,

Regarding what happened on the 11th of September, the great Palestinian poet Mahmoud Darwish stated in a statement signed by several Palestinian intellectuals, The catastrophe that hit Washington and New York has only one name - the Madness of Terrorism. This catastrophic event was neither a dark science fiction film nor was it the Day of Reckoning. It was terrorism that is country-less, colorless, and creedless, no matter how many names of gods, deities and agonies of man it may have enlisted in order to justify itself. He further states, Nothing, nothing can justify this terrorism that melds human flesh with iron, cement and dust. Nor can anything justify polarizing the world into two camps that can never meet: one of absolute good, the other of absolute evil. Civilization is the result of world societies contributing towards a global heritage. The accumulation and interaction of which leads towards the elevation of humanity and nobility of consciousness.



**PATRIARCHS AND HEADS OF CHURCHES IN JERUSALEM,
APPEAL ON BEHALF OF BETHLEHEM, 19 OCTOBER 2001**

We the patriarchs and the heads of churches in Jerusalem appeal to our brothers and sisters around the world to help in a time of urgent need in the Holy Land.

Following the targeted killings, there has been a dramatic intervention, within the last few hours, in the autonomous Palestinian territories by the Israeli armed forces. Tanks are everywhere; buildings have been besieged; some areas are under curfew and there is extensive shooting.

We are particularly concerned about Bethlehem (the place of Our Savior's birth) with Bayt Jala and Bayt Sahur, Aida refugee camp, al-Bireh, Ramallah, Jinin, Nablus, and Gaza. The restrictions on movement preventing people going to work, attending school and even university, mean that charitable institutions, hospitals, etc., are placed under great strain to care for residents and patients. Children everywhere are being traumatized.

At a time when Western leaders are concerned with fighting terrorism it seems that Palestinian residents (both Muslim and Christian) are subjected to similar acts for which the world takes little notice.

Whilst we deplore all acts of violence, we appeal to world church leaders and the international community to make urgent representation to the Israeli government to bring this intolerable situation to an immediate end and begin the process of negotiations in order to work toward a peaceful and a just solution.



**US PRESIDENT GEORGE W. BUSH, REMARKS AT THE UNITED NATIONS,
NEW YORK, 10 NOVEMBER 2001 [EXCERPTS]**

Thank you. Mr. Secretary General, Mr. President, distinguished delegates, and ladies and gentlemen. We meet in a hall devoted to peace, in a city scarred by violence, in a nation awakened to danger, in a world uniting for a long struggle. Every civilized nation here today is resolved to keep the most basic commitment of civilization: We will defend ourselves and our future against terror and lawless violence.

The United Nations was founded in this cause. In a second world war, we learned there is no isolation from evil. We affirmed that some crimes are so terrible they offend humanity, itself. And we resolved that the aggressions and ambitions of the wicked must be opposed early, decisively, and collectively, before they threaten us all. That evil has returned, and that cause is renewed. [...]

The suffering of September the 11th was inflicted on people of many faiths and many nations. All of the victims, including Muslims, were killed with equal indifference and equal satisfaction by the terrorist leaders. The terrorists are violating the tenets of every religion, including the one they invoke.

Last week, the Sheikh of Al-Azhar University, the world's oldest Islamic institution of higher learning, declared that terrorism is a disease, and that Islam prohibits killing innocent civilians. The terrorists call their cause holy, yet, they fund it with drug dealing; they encourage murder and suicide in the name of a great faith that forbids both. They dare to ask God's blessing as they set out to kill innocent men, women and children. But the God of Isaac and Ishmael would never answer such a prayer. And a murderer is not a martyr; he is just a murderer. [...]

In this war of terror, each of us must answer for what we have done or what we have left undone. After tragedy, there is a time for sympathy and condolence. And my country has been very grateful for both. The memorials and vigils around the world will not be forgotten. But the time for sympathy has now passed; the time for action has now arrived.

The most basic obligations in this new conflict have already been defined by the United Nations. On September the 28th, the Security Council adopted Resolution 1373. Its requirements are clear: Every United Nations member has a responsibility to crack down on terrorist financing. We must pass all necessary laws in our own countries to allow the confiscation of terrorist assets. We must apply those laws to every financial institution in every nation.

We have a responsibility to share intelligence and coordinate the efforts of law enforcement. If you know something, tell us. If we know something, we'll tell you. And when we find the terrorists, we must work together to bring them to justice. We have a responsibility to deny any sanctuary, safe haven or transit to terrorists. Every known terrorist camp must be shut down, its operators apprehended, and evidence of their arrest presented to the United Nations. We have a responsibility to deny weapons to terrorists and to actively prevent private citizens from providing them. [...]

The American government also stands by its commitment to a just peace in the Middle East. We are working toward a day when two states, Israel and Palestine, live peacefully together within secure and

recognize borders as called for by the Security Council resolutions. We will do all in our power to bring both parties back into negotiations. But peace will only come when all have sworn off, forever, incitement, violence and terror.

And, finally, this struggle is a defining moment for the United Nations, itself. And the world needs its principled leadership. It undermines the credibility of this great institution, for example, when the Commission on Human Rights offers seats to the world's most persistent violators of human rights. The United Nations depends, above all, on its moral authority - and that authority must be preserved. [...]



**PRESIDENT YASSER ARAFAT, ADDRESS TO THE UN GENERAL ASSEMBLY,
56TH SESSION, 46TH PLENARY MEETING, NEW YORK, 11 NOVEMBER 2001**

I would like to begin by extending my congratulations to you, Mr. President, on your election as President of the General Assembly at this session. I would also like to extend my congratulations to Mr. Kofi Annan on his re-election to a second term as Secretary-General of the United Nations. I also wish to congratulate him and the United Nations on being awarded the Nobel Peace Prize.

It is important for me to be here today at this meeting, which is being held in very critical and important circumstances in the aftermath of the horrific, criminal and ugly terrorist acts against the cities of New York and Washington, D.C., on 11 September 2001. We strongly condemn those acts. In this context, I would once more like to extend our deepest and warmest sympathy to President George W. Bush and to the Government and the friendly people of the United States. In particular, I wish to express my condolences to the families of the victims.

The Palestinian people have expressed their readiness to confront all forms and manifestations of international terrorism, including State-organized terror, in order to build a new world that guarantees justice, peace, security and freedom for all peoples - a new world based on human rights and international legality. We call on all nations to coordinate their efforts within the framework of the United Nations and international legality and the need to pursue and encourage a dialogue between all nations, religions and civilizations.

I would like to express my deepest appreciation to President George W. Bush for the declaration contained in the statement he made yesterday with regard to the need to achieve a just peace based on the implementation of Security Council resolutions 242 (1967), 338 (1973) and 425 (1978) and on the basis of a two-State solution - Israel and Palestine - and with regard to expeditiously resuming the peace process. For our part, we will exert every possible effort to achieve those objectives. We have worked to provide the best possible conditions for that endeavour, and we will continue to do so.

I would also like to salute, and extend my appreciation to, all my brothers who have preceded me and clearly and eloquently made references to the question of the Palestinian people and their right to realize their legitimate rights under international legality.

Last year I had the honour of addressing the United Nations Millennium Summit. Today I am once again addressing the Assembly, bringing the pain of the Palestinian people and their just cause, which still awaits a just solution. As Members will recall, in 1947 the General Assembly adopted resolution 181 (II), which provided for the partition of Palestine into two States - one Jewish and the other Palestinian. But the Palestinian State has still not been recognized by the United Nations. The Palestinian people faced tremendous historic injustice, and the majority of them were uprooted from their homes and made refugees.

The Palestinian people continue to seek their rights to self-determination and return - rights that today form the backbone of all relevant Security Council and General Assembly resolutions, the Universal Declaration of Human Rights, international law and international humanitarian law and that should be

exercised on the Palestinian national soil. Members are aware that we have accepted the solution provided for by international legality. Yes, we have accepted less than 25 per cent of historic Palestine, while the General Assembly granted us almost 50 per cent of historic Palestine, as provided for in resolution 181 (II). On this new approach, we went to the Madrid Peace Conference, which was based on the principle of "land for peace" and which had the objective of implementing all relevant international resolutions related to Palestine, particularly Security Council resolutions 242 (1967), 338 (1973), 425 (1978) and General Assembly resolution 194 (III) concerning the Palestinian refugees. Then we signed the Oslo Agreement at the White House in Washington, D.C., in the presence of and witnessed by representatives of the United States of America, the Russian Federation, the European Union, China, Japan, Egypt, Jordan and other countries, including Arab, African, Asian and Latin America States.

Later we signed a number of agreements and memorandums of understanding. After the assassination of my late partner, Mr. Yitzhak Rabin - my partner in the peace process - consecutive Israeli Governments clearly took the path of non-compliance and did not implement Israel's obligations stemming from the signed agreements. This impeded our sincere efforts to reach a comprehensive, just and lasting peace - the peace of the brave. The number of settlements and settlers has doubled since the start of the peace process. This reflects the lack of seriousness of the Israeli Government and its lack of commitment to the agreements signed between us.

Then came Sharon's visit to the holy sanctuary in Holy Jerusalem. I had personally and officially warned the Israeli Government of the grave consequences that would have on the peace process and the region. This action sparked the Palestinian intifada, reflecting the rejection by the Palestinian people of the Israeli Government's non-compliance with the agreements signed, the settlement policies, which deepen the occupation rather than end it by withdrawing from the occupied Palestinian territory, and its policies of undermining our Christian and Muslim Holy Places.

The current Israeli Government continues the aggression against the Palestinian people begun by the previous Government. State terror is being practised against the Palestinian people and land, using the might of the Israeli army, including F-15s, F-16s, Apache helicopters, tanks, missiles, armoured vehicles, navy vessels and lethal weapons, including those that are internationally banned. Practices of the Israeli army also include the assassination of Palestinian political leaders, the demolition of homes, the destruction of private and government institutions, ruining farms and fields and uprooting hundreds of thousands of olive and fruit trees, as well as the killing of women, children and the elderly. There have been approximately 1,800 Palestinians killed and 37,000 wounded. Many of them have been handicapped for life. Thousands have been arrested in only 13 months.

It should also be noted that the Palestinian economy has been devastated. The losses amount to \$7 billion as a result of all forms of economic, financial, medical and food closures and sieges imposed on all the Palestinian cities, villages and refugee camps. These practices continue to restrict the movement of goods and people, including students and teachers who are prevented from reaching their schools and universities. All these acts of closure and siege have recently been tightened. Our international borders, checkpoints and airports have been closed. All these measures violate outright basic human rights. Workers have also been prevented from reaching their work places, their means to sustain their families and children.

Facing this aggression, escalation and the bloody war of State terror being waged by the Israeli Government against our people, land, Holy Places, - Jerusalem in particular - and Bethlehem, Beit Jala, Hebron and other Palestinian towns, the incursion into our cities, villages and refugee camps with tanks and the brutal massacres committed in various locations in the West Bank and the Gaza Strip, we call on the international community, as represented by all present, and on the peace-, freedom- and justice-loving people who defend human rights and dignity throughout the world to work sincerely and resolutely and to exert all possible efforts to stop this war of aggression and to send international observers to protect our people from the occupation, terror and ethnic cleansing practised by Israel and to supervise the implementation and the consolidation of the ceasefire, by which we are abiding and which has been consistently violated by the Israeli Government.

International sponsorship of the Middle East peace process is the only true guarantee for efforts by the international community to make peace an established reality in our region. The absence of international involvement in this conflict - in the serious search for a solution to the Palestinian question, in accordance with justice and the principles of international law - will push the region back into a spiral of violence, confrontation and bloodshed and could make the situation more explosive and fragile.

Therefore, I call upon the international community to redouble its sincere efforts to end the current situation and the escalating crisis that, in the absence of the peace process, threatens to explode, with grave consequences for our region. The active involvement of the international community and the influential Great Powers is essential to save the peace process and to put it back on the right track, to move it forward sincerely, resolutely and effectively. Lasting peace will not be achieved or sustained without international legality to provide an effective and binding international mechanism to implement the relevant Security Council and General Assembly resolutions. The accurate and honest implementation of these resolutions will establish and sustain peace and will prevent bloodshed in our region.

Proceeding from our belief in peace as an irreversible strategic choice of our people, we have cooperated fully and positively with all international efforts and initiatives, including the Egyptian-Jordanian initiative, the Tenet Understandings and the Mitchell Report, which we accepted as a comprehensive, integrated package. We have also unilaterally declared an immediate comprehensive ceasefire, and we have exerted maximum efforts to sustain that ceasefire. On the eve of the Jewish New Year, we initiated the Palestinian call for peace, offered our sincere congratulations to the Israeli people and called upon them to make the New Year an occasion for a new era of peace, security and peaceful coexistence between the Palestinian and Israeli peoples and the peoples of the whole Middle East region. We made very clear and unequivocal our strategic commitment to peace, negotiations and the political solution to all outstanding issues between us and the Government of Israel.

Most regrettably, the Israeli Government instructed its war generals and army to escalate the military campaign against our people, cities, villages and refugee camps. This included the buffer zones and the siege that closed off wide areas of cities, villages and cultivated lands and led to the destruction of our farms and the uprooting of thousands of trees in various places in the West Bank and the Gaza Strip.

Allow me to extend my deepest appreciation and to salute sincerely all the brotherly, friendly nations and to the Great Powers that have realized today, more than ever before, that the establishment of an independent Palestinian State, with Holy Jerusalem as its capital, is the only guarantee for peace, security and stability in the region and the world. This constitutes a basic cornerstone in establishing and sustaining that peace.

We call upon these nations, particularly the United States, the United Kingdom, the Russian Federation, France, China, Japan, the members of the European Union and the non-aligned countries, the international community, individually and collectively, to exert every possible effort to translate this vision into action and political reality in order to enable the Palestinian people to live in peace, dignity, freedom, independence and sovereignty within their independent State on their national soil, with Holy Jerusalem as its capital. This can be achieved by bringing Israel, the occupying Power, to withdraw fully from all of the occupied Palestinian and Arab territories, including Holy Jerusalem, to the boundaries of 4 June 1967, in accordance with the principles of the Madrid Peace Conference, to end settlement activities and evacuate settlers from our land, and to guarantee the right of return to the Palestinian refugees, in accordance with General Assembly resolution 194 (III), which provided for this right and called for compensation to those not wishing to return.

We welcome the positive positions taken by President George W. Bush and other leaders who have called for the establishment of a Palestinian State. We believe this constitutes a significant step towards ending the conflict and establishing peace in the Middle East. I will say candidly to you that reviving and completing the peace process will need a new qualitative push, and after all that has happened it will not be possible to confine ourselves to interim solutions. It is impossible, of course, to achieve another interim agreement, as called for by some. To control the situation on the ground and to get the situation back to the way it existed before 28 September 2000 requires clear political imagination and new hope.

What the peace process now requires to achieve a just and lasting peace is a genuine effort on the part of the co-sponsors of the peace process - the United States and the Russian Federation - as well as influential international actors, including the European Union, and of course the Arab and Muslim countries and other friendly nations in the Non-Aligned Movement as well as in the United Nations. All of them should immediately introduce a comprehensive framework for a permanent final solution based on international legality and the agreements signed so that both parties can negotiate expeditiously the details of that permanent solution. This, of course, should be preceded by the full and immediate implementation of the Mitchell Report and the Tenet Understandings.

It is clear that we are in need of greater international efforts, including an international presence on the ground, to help the parties move forward. In any case, the United Nations and the Secretary-General must carry out their natural and important roles in this regard so that we can achieve our desired peace objectives. I call upon the Israeli Government and the Israeli people to respond positively to this approach so that we can together build peace in the land of peace, the Holy Land of peace - the Holy Land; I repeat, the Holy Land.

Needless to say, we need an expeditious effort that brooks no further delay, especially at the current international situation. We are ready to carry out our share of responsibility. We trust you are also ready to shoulder your share of responsibility. I realize that the international community, after the assassination of my partner, Yitzhak Rabin, is looking forward to the peace process. From here I convey to the Israeli people my full commitment to the peace process, which I began with my late partner Yitzhak Rabin, and my partner Shimon Peres, a peace that guarantees freedom, stability and security for the Israelis and the Palestinians and all the peoples in the Middle East region - the peace of the brave; the just and comprehensive and lasting peace that will end the Israeli occupation of all the Palestinian and Arab territories and will lead to the establishment of the independent Palestinian State with Holy Jerusalem as its capital.

This is what we should be working for, for the sake of our children and their children. From here I call upon the Israeli Government to resume the final status negotiations in order to implement the resolutions of international legality and the agreements signed.

I salute all of you and hope that this session will produce the required solutions and recommendations which will enable our peoples and our nations and the whole of humanity to live in peace, stability, progress and prosperity.

May peace and God's blessing be with you.



**UNITED STATES AND RUSSIA, JOINT STATEMENT ON THE MIDDLE EAST,
13 NOVEMBER 2001**

We express our deep concern over the situation in the Middle East, which has led to untold suffering by Palestinians and Israelis during the past year. The violence and terror must end.

The United States and Russia, as cosponsors of the Middle East peace process, call upon the leadership of Israel and the Palestinian Authority to take urgent steps to ease tension, as well as to refrain from actions that are harmful to the other side and to resume the dialogue at a high political level. It is also necessary to proceed without delay towards the implementation of the Tenet workplan and the Mitchell Report recommendations: to end the violence, to set up stable cooperation in the area of security, to implement confidence-building measures, and to resume the substantive negotiating process.

Our two nations, acting in concert with other key parties, are stepping up their efforts aimed at facilitating early resolution of the crisis in the region and resuming negotiations on all tracks - Palestinian, Syrian, and Lebanese - in the interests of making progress toward a comprehensive settlement in the

Middle East, based on the Madrid principles, UN Security Council Resolutions 242 and 338, and existing agreements and accords.



FINAL COMMUNIQUÉ, MEETING OF THE MINISTERS FOR FOREIGN AFFAIRS AND HEADS OF DELEGATION OF THE NON-ALIGNED MOVEMENT, 56TH SESSION OF THE UN GENERAL ASSEMBLY, NEW YORK, 14 NOVEMBER 2001 [EXCERPTS]

1. We, the Ministers for Foreign Affairs and Heads of Delegation of the Non-Aligned Movement, met in New York on 14 November 2001 within the framework of the 56th Session of the General Assembly of the United Nations, to coordinate our efforts and establish guidelines to enable the members of the Movement to work in a collective manner on matters of common concern and interest vis-à-vis the agenda of the General Assembly.

[...]

53. We express our grave concern over the tragic and deteriorating situation in the Occupied Palestinian Territory, including Jerusalem and its dangerous impact on the situation in the Middle East as a whole. We reaffirm the need to achieve comprehensive, just and lasting peace in the Middle East. We affirm our determination to actively strive towards the achievement of a just and comprehensive peace in the Middle East on the basis of Security Council resolutions 242 (1967), 338 (1973) and the principle of land for peace. In this context we stress the need for the Israeli withdrawal from the Palestinian Territory, including Jerusalem, and the Syrian occupied Golan to the line of 4 June 1967. We reaffirm the right of the Palestinian people to establish their independent state of Palestine with East Jerusalem as its capital. Furthermore, we reaffirm that a just and comprehensive peace can only be achieved by upholding international legitimacy and relevant United Nations resolutions. In this regard we consider the attempts by the Israeli government to undermine the terms of reference of the Middle East peace process which started in Madrid as a serious obstacle to the realisation of peace. We call for an end to continuing Israeli violations of Lebanese sovereignty and territorial integrity, and for the release of all Lebanese detained in Israeli prisons and express our support for the current mandate of United Nations Interim Force in Lebanon (UNIFIL) and for the demining assistance in the South of Lebanon. The Ministers also adopted a separate declaration on Palestine.



FOREIGN MINISTERS AND HEADS OF DELEGATION OF THE NON-ALIGNED MOVEMENT, SPECIAL DECLARATION ON PALESTINE, 56TH SESSION OF THE UN GENERAL ASSEMBLY, NEW YORK, 14 NOVEMBER 2001

1. We, the Ministers for Foreign Affairs and heads of Delegation of the Non-Aligned Movement (NAM), meeting in the context of the fifty-sixth session of the General Assembly, reaffirm the unwavering support of the Movement for the Palestinian people and the realization of their inalienable rights, including the establishment of their own independent state with Jerusalem as its capital.
2. We reaffirm our traditional support for a peaceful solution of the question of Palestine, the core of the Middle East conflict, and the establishment of a comprehensive and lasting peace in the region. We reaffirm our support for the Middle East peace process on its agreed basis, including Security Council resolutions 242 (1967) and, 338 (1973) and the principle of land for peace. We reaffirm our determination to actively strive for the attainment of this objective.
3. We express grave concern at the severe and dangerous deterioration of the situation in the Occupied Palestinian Territory, including Jerusalem, which began on 28 September 2000. We are also concerned about the damage caused to the Middle East peace process and about the existing danger in the region, which acquire additional and urgent dimensions in light of the present international circumstances.
4. We condemn the excessive use of force by the Israeli occupying forces leading to extensive loss of life and injury, the widespread destruction of Palestinian homes and property, the imposition of ex-

- ternal and internal closures, the extra-judicial killings, the suffocation of the Palestinian economy, the reoccupation of the Orient House, the incursions into and reoccupation of areas under full Palestinian control and other forms of collective punishment. We note that all such measures and practices come against the background of continuous Israeli occupation and colonial activities in the form of building and expanding illegal settlements.
5. We call for an immediate end to all violence and we call on the parties to take all the necessary measures towards that end, including the immediate and comprehensive implementation of the recommendations made by the Sharm El-Sheikh Fact-Finding Committee (Mitchell Report). In this regard, we stress the importance of an international presence or a monitoring mechanism in the Occupied Palestinian Territory.
 6. We stress the need for fresh and qualitative efforts to bring the Middle East peace process back to life and to bring it to a speedy and successful conclusion. In this regard, we call for international concerted input, based on international legitimacy, regarding the final outcome of the peace process, including the establishment of the Palestinian State. We take note of the positive signals in that regard and we urge more concrete steps by the cosponsors of the peace process and other interested parties in that direction.
 7. We stress the permanent responsibility of the United Nations towards the question of Palestine and, we stress the responsibility of the Security Council in accordance with the Charter of the United Nations. In this regard, we express appreciation for the efforts of the Secretary-General of the United Nations.
 8. We stress the importance of Israel, the Occupying Power, to fulfill its obligations under the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (the Fourth Geneva Convention of 1949), and we urge the High Contracting Parties, in accordance with common article I of the Geneva Conventions, to respect and ensure respect for the Convention. In this regard, we fully support the reconvening, on 5 December 2001, of the Conference of the High Contracting Parties on measures to enforce the Convention in the Occupied Palestinian Territory including Jerusalem.
 9. We endorse the Communiqué of the Ministerial Meeting of NAM Committee on Palestine which was addressed by President Thabo Mbeki and President Yasser Arafat in Pretoria, South Africa on 3 May 2001, and which was also attended by members of the NAM caucus of the Security Council. We express appreciation to the Chairman of the Movement for his continuous efforts in support of the Palestinian cause and in helping the Middle East peace process.



**PLO FACTIONS, POLITICAL STATEMENT ON THE ANNIVERSARY OF THE
DECLARATION OF INDEPENDENCE, 14 NOVEMBER 2001**

Our great Palestinian masses in the homeland and in the Diaspora,
Our Arab and Islamic masses,
Peoples of the world,

At the climax of the greater popular Intifada and as the Arab and international solidarity with the struggle of the Palestinian people increased then, the PNC issued in its term in Algiers on November 15, 1988, the Document of the Declaration of Independence which received the consensus and support of the Palestinian masses in the homeland and in the Diaspora.

Nowadays, in light of the current and renewing Intifada, our masses in the homeland and in the Diaspora prepare to commemorate the 13th anniversary of the Declaration of Independence on November 15, with greater strength and determination to continue in the Intifada and resistance against the Israeli aggression and occupation and siege until settlements end and until the Israeli occupation is evacuated and until the Palestinian people exercise their right in self determination through realizing on the ground the establishment of the Palestinian independent and fully sovereign state with al-Quds al-Shareef as its capital on all the Palestinian territories occupied in 1967: in Gaza Strip and the West Bank, including Jerusalem, within the borders of the 4th of June 1967 and through securing the right of the Palestinian refugees in returning to their homes and properties from which they were evicted according to Resolution 194 and in accordance with international law and the UN resolutions and Charter.

Due to the legendary steadfastness of our people and because of the continuation of the Intifada and resistance for the last 14 months, international understanding to the cause and rights of our people has grown, in addition to the increasing solidarity with the struggle of the Palestinian people and their legitimate resistance against the Israeli aggression and occupation. The steadfastness of the Palestinian people also led to a political and diplomatic defeat of Israel at the international level and resulted in the isolation of Israel at the Arab and Islamic and international levels.

Due to the major positive impact caused by the Intifada at the international level, many of the major world leaders announced their support to the establishment of an independent, sovereign, and viable Palestinian state. However, talking about the Palestinian state is not enough any more and will remain incomplete as long as words are not linked to actions, especially by the US Administration which goes on in its blatant bias and support to the Israeli aggression and occupation and in showing hostility to the rights and legitimate aspirations of the Palestinian people.

The credibility of these positions depends on the extent to which those leaders can go in supporting the Palestinian state and this requires launching an international collective initiative in the context of the UN Security Council which should take a new, firm and binding decision to Israel stipulating that Israel must stop its aggression and siege on the Palestinian people and that international observers must be deployed to provide protection to our masses and replace the occupation troops on a temporary basis and set up a mechanism forcing Israel to withdraw from all Palestinian territories occupied in 1967, including Jerusalem and within the borders of June 1967 and to have the Palestinian territories free from Israeli settlements and free from any Israeli military or security presence inside the Palestinian territories or on the borders with Jordan and Egypt and to have the Palestinian people control their skies and regional waters and natural resources and to allow them to consolidate their full sovereignty on Arab Jerusalem. The Palestinian state will guarantee the freedom to exercise religious rituals in the Holy Lands in Jerusalem and all over Palestine for the followers of all religions.

Palestine is a state to Palestinians wherever they are. In Palestine, Palestinians will enjoy full rights and their religious and political beliefs will be respected in light of a democratic republican parliamentary system that is based on the principle of separation of the three authorities: the executive, the legislative and the judiciary. The state will be based on the right of freedom of press and public liberties and political pluralism and social justice and equality and non-discrimination in public rights under a constitution that believes in the rule of the law and independent judiciary and to abide by the UN Charter and its goals and the International Declaration of Human Rights; the state will be a peace loving country and will believe in peaceful means of solving regional and international conflicts according to UN resolutions and the international law along with its natural and inherent right if defending its territories and independence.

The Forces of the PLO affirm their rejection to the return to the policy of partial solutions and interim agreements and delaying the main issues, warning that dealing with the proposals of Sharon and Peres who call for holding interim agreements on the Palestinian state because they aim to Judaize Jerusalem, consolidate occupation on the majority of the Palestinian lands, eliminate the refugees cause and cause a split and disputes among the Palestinian people. The forces called on the Arab and Islamic masses, forces and countries for more solidarity and support to the struggle of the Palestinian people and to exert pressure on the US Administration to stop its blind bias to Israel and to force it to lead a more balanced policy towards settling the Palestinian-Israeli conflict on the basis of implementing the UN resolutions and enable the Palestinian people to establish their free and independent state.

Our great masses,

On the anniversary of the Declaration of Independence, we bow with awe and respect to the martyrs and we salute the heroic prisoners and courageous wounded and all those who defend the precious national soil.

We call on our masses in the homeland and in the Diaspora to continue in the battle of national independence until achieving victory and let us mark this anniversary with all forms of popular activities all over the homeland and in the Diaspora.

Defeat to occupation; Victory to the Intifada; Independence to our People

Fatah Movement,
DFLP,
The Arab Liberation Front,
The Popular Struggle Front,
The Palestinian Liberation Front,

PFLP,
The Palestinian People's Party,
The Brigades of Popular Liberation War "Sa'eqa",
The Palestinian democratic Union "Fida",
The Popular Front "General Command".

Palestine, November 14, 2001



GROUP OF 77, MINISTERIAL DECLARATION, NEW YORK, 15 NOVEMBER 2001
[EXCERPTS]

[...] III. OTHER MAJOR ISSUES AND DEVELOPMENTS

29. We express our grave concern over the tragic and dangerous situation in the occupied Palestinian territory, including Jerusalem, which has gravely deteriorated the economic and social conditions of the Palestinian people, and has negatively affected stability and development in the region as a whole. We call for the immediate and total freeze of settlement activities in the occupied Palestinian territory, including Jerusalem, and in the occupied Syrian Golan, an end to the Israeli siege of Palestinian towns and villages and all other forms of collective punishment, as well as the return to the negotiating table. We reaffirm our support to the Palestinian people in their effort to achieve their inalienable rights, including the right to establish an independent State on their national soil, including Jerusalem. We also call for an end to Israeli violations of Lebanese sovereignty and territorial integrity. We reaffirm our support for the Middle East peace process, aimed at achieving a comprehensive, just and lasting peace in the region on the basis of Security Council resolutions 242 (1967) and 338 (1973) and the principle of land for peace. [...]



US SENATORS, LETTER TO PRESIDENT GEORGE W. BUSH
URGING HIM NOT TO RESTRAIN ISRAEL, 16 NOVEMBER 2001

Dear Mr. President,

Please accept our sincere expression of admiration and support for the way you are leading our nation at this time of war. We will stay the course with you for however long it takes to rid the world of the scourge of global terrorism. We also want to indicate to you our shared commitment for the enduring security of the State of Israel, our close ally in the fight against terrorism.

We applaud the firm stand you have taken in urging Chairman Arafat to do all he can to rein in terrorist groups operating in Palestinian territories and pointing out that he has not done enough to stop the violence. You have followed the correct course in not meeting with him until he has fulfilled these minimal obligations. We also share your conviction that no solution can be imposed upon the parties, that they must negotiate an agreement themselves following a cessation of the violence.

We have suffered firsthand the kind of terrorism that Israel has been subjected to since its birth. We are resolved to do whatever it takes to fight terrorist groups of global reach, as the leaders of Israel are resolved to defend their people from such groups. There is no excuse, no justification for terrorism.

Whatever the grievance, the killing of innocent civilians to advance political goals can never be countenanced.

The American people would never excuse us for not going after the terrorists with all our strength and might. Yet that is what some have demanded of the Israeli government after every terrorist incident they suffer. No matter what the provocation, they urge restraint. We would never accept that response for ourselves. We cannot understand how some can urge such a course upon Israel, our one reliable and democratic ally in the entire Middle East. We are confident that you support Israel's efforts to defend itself.

We know you will remain steadfast in standing with our ally, Israel, and hope you will find an opportunity soon to express that solidarity with Israel publicly. We urge you to continue your policy of not meeting with Chairman Arafat until he has taken the necessary steps to end the violence and terrorism against Israel.

Again, you have our full support in the long struggle we face, and we are confident that, with your leadership, we will prevail.

Signed by 89 senators.



US SECRETARY OF STATE COLIN POWELL, SPEECH ON THE US VISION FOR MIDDLE EAST PEACE, MCCONNELL CENTER FOR POLITICAL LEADERSHIP AT THE UNIVERSITY OF LOUISVILLE, KENTUCKY, 19 NOVEMBER 2001 [EXCERPTS]

[...] It is also a time of danger and a time of challenges requiring American leadership. And nowhere are the challenges greater than in the Middle East, a region where we have fought long for our most basic values and principles, a region where we have stood by our friends, Arab and Israeli, in war and in peace, for over half a century. Since Israel's establishment over 50 years ago, the United States has had an enduring and ironclad commitment to Israel's security. The United States-Israeli relationship is based on the broadest conception of American national interests, in which our two nations are bound forever together by common democratic values and traditions. This will never change.

One of my proudest moments as a soldier and as an American came in 1991, when American troops led the international coalition of forces that liberated Kuwait from Saddam Hussein's invaders. Later that year, though, I watched with equal pride as Arabs and Israelis gathered together in the aftermath of the Gulf War. They gathered together in Madrid to take advantage of the opportunity created by the successful war. They took the opportunity to launch an historic process of negotiations aimed at ending their conflicts once and for all. They, too, were supported by an American-led coalition, one focused this time on peace rather than on war.

The Middle East is a region facing enormous problems. The hope created in Madrid has faded. Last month marked the tenth anniversary of the Madrid conference, a time to look forward as well as look back. We are looking forward now as we try to capture the spirit of Madrid and create a renewed sense of hope and common purpose for the peoples of the Middle East. America has a positive vision for the region, a vision that we want to share with our friends in Israel and in the Arab world.

We have a vision of a region where Israelis and Arabs can live together in peace, security and dignity. We have a vision of a region where two states, Israel and Palestine, live side by side within secure and recognized borders. We have a vision of a region where all people have jobs that let them put bread on their tables, provide a roof over their heads and offer a decent education to their children. We have a vision of a region where all people worship God in a spirit of tolerance and understanding.

And we have a vision of a region where respect for the sanctity of the individual, the rule of law and the politics of participation grow stronger day by day.

Such a vision seems far away today. Throughout much of the Middle East, the economic challenges are daunting. Too little economic growth creates too few jobs for burgeoning populations. And too much red tape and government control stifle private enterprise and initiative. Throughout much of the region, political systems do not provide citizens an adequate say in how they are governed. They do not offer a way for people to peacefully work out competing needs and visions for their future.

The solutions to these challenges will come about only through hard work, common sense, basic fairness and a readiness to compromise. They will not be created by teaching hate and division, nor will they be born amidst violence and war.

To help America recognize this positive vision, we will stay engaged. America wants to recognize its positive vision and help all in the region to achieve this positive vision. America will continue to strongly support expansion of economic opportunity in the region, political openness and tolerance, will support efforts to find regional solutions to security challenges, and we will conduct serious diplomacy aimed at resolving regional conflict. The Middle East has always needed active American engagement for there to be progress, and we will provide it, just as we have for over half a century. The central diplomatic challenge we face in the Middle East is to obtain a just and lasting peace between Israel and its Arab neighbors. Until Israel and all of its neighbors are at peace, our vision of the Middle East at peace will only be a distant dream. President Bush and I are convinced that the Arab-Israeli conflict can be resolved, but that will only happen if all of us, especially Israelis and Palestinians, face up to some fundamental truths.

To begin with, Palestinians must accept that, if there is to be real peace, Israelis must be able to live their lives free from terror as well as war. The Palestinian leadership must make a 100 percent effort to end violence and to end terror. There must be real results, not just words and declarations. Terrorists must be stopped before they act. The Palestinian leadership must arrest, prosecute and punish the perpetrators of terrorist acts. The Palestinians must live up to the agreements they have made to do so. They must be held to account when they do not.

Whatever the sources of Palestinian frustration and anger under occupation, the Intifada is now mired in the quicksand of self-defeating violence and terror directed against Israel. Palestinians need to understand that however legitimate their claims, they cannot be heard, let alone be addressed, through violence. And as President Bush has made clear, no national aspiration, no remembered wrong can ever justify the deliberate murder of the innocent. Terror and violence must stop and stop now. (Applause.)

Palestinians must realize that the violence has had a terrible impact on Israel. The lynching of Israeli soldiers in Ramallah, the assassination of the cabinet minister and the killing of Israeli children feed Israelis' deepest doubts about whether Palestinians really want peace. The endless messages of incitement and hatred of Israelis and Jews that pour out of the media in so much of the Palestinian and Arab worlds only reinforce these fears. No one can claim a commitment to peace while feeding a culture of hatred that can only produce a culture of violence. The incitement must stop. Palestinians must accept that they can only achieve their goals through negotiation. That was the essence of the agreements made between Israelis and Palestinians in Madrid, and again in Oslo in 1993. There is no other way but direct negotiation in an atmosphere of stability and non-violence.

At the same time, Palestinians must also be secure and in control of their individual lives and collective security. In the absence of peace, Israel's occupation of the West Bank and Gaza has been the defining reality of Palestinians' lives there for over three decades, longer than most of the Palestinians living there have been alive. The overwhelming majority of Palestinians in the West Bank and Gaza have grown up with checkpoints and raids and indignities. Too often they have seen their schools shuttered and their parents humiliated. Palestinians need security as well. Too many innocent Palestinians, including children, have been killed and wounded. This, too, must stop. (Applause.)

The occupation hurts Palestinians, but it also affects Israelis. The sad truth is that it is the young people who serve on the front lines of conflict who are at risk. Embittered young Palestinians throw stones, and young Israeli soldiers on the other side learn only that Palestinians are to be feared, seen as enemies. One thing I've learned in my life is that treating individuals with respect and dignity was the surest path to understanding. Both sides need to treat the other with respect. Humiliation and lack of respect are just another path to confrontation.

Israeli settlement activity has severely undermined Palestinian trust and hope. It preempts and prejudices the outcome of negotiations and, in doing so, cripples chances for real peace and security. The United States has long opposed settlement activity. Consistent with the report of the committee headed by Senator George Mitchell, settlement activity must stop.

For the sake of Palestinians and Israelis alike, the occupation must end. And it can only end with negotiations. Israelis and Palestinians must create a relationship based on mutual tolerance and respect so negotiations can go forward.

My friends, it should be clear from these realities that the way back through a political process will be neither quick nor easy. That's the bad news. The good news is that a framework for a solution exists. It is based on the core principles of the United Nations Security Council Resolutions 242 and 338, which are rooted in the concept of land for peace. Madrid also calls for a comprehensive Arab-Israeli peace, including agreements with Syria and Lebanon.

Rejectionists say that there has been no progress over the years trying to achieve those objectives. They are wrong. Over the past decade, Arabs and Israelis have proven that negotiations can work and can achieve results. At Madrid in October of 1991, through the Oslo process beginning in 1993, and in the 1994 Israeli-Jordanian peace treaty. And, last year, there was hope as Israelis and Palestinians negotiated on permanent status issues. The questions proved excruciatingly difficult, but issues long avoided were finally addressed.

After a year of violence and trauma, finding a way forward will not be easy. It will take time, it will take trust. But the tools to rebuild confidence and revive a political process are available and they are available now. They are found in the security work plan negotiated by CIA Director George Tenet, and the Mitchell Committee report, which both the Government of Israel and the Palestinian Authority have accepted, and which the entire international community has strongly endorsed.

The steps they outline offer Israelis and Palestinians a roadmap to a cease-fire and an end to the violence. Such steps must include an end to closures in order to bring tangible improvement in the daily lives of Palestinians and the rapid restoration of economic hope into every Palestinian home. Implementation of the Mitchell report shows the way to restoring trust and confidence and moving rapidly to the resumption of negotiations.

We will do all we can to help the process along. We will push, we will prod. We will present ideas. For example, there are a number of economic and political steps in existing agreements - they are there now - which, if we implemented, could contribute to momentum toward peace. But notwithstanding everything we do, at the end of the day, it is the people in the region taking the risks and making the hard choices who must find the way ahead. The only lasting peace will be the peace the parties make themselves.

Both sides will need to face up to some plain truths about where this process is heading as they turn to the challenges of negotiating permanent status issues. Palestinians must eliminate any doubt, once and for all, that they accept the legitimacy of Israel as a Jewish state. They must make clear that their objective is a Palestinian state alongside Israel, not in place of Israel, and which takes full account of Israel's security needs.

The Palestinian leadership must end violence, stop incitement and prepare their people for the hard compromises ahead. All in the Arab world must make unmistakably clear, through their own actions, their acceptance of Israel and their commitment to a negotiated settlement. Israel must be willing to end its occupation, consistent with the principles embodied in Security Council Resolutions 242 and 338, and accept a viable Palestinian State in which Palestinians can determine their own future on their own land and live in dignity and security. They, too, will have to make hard compromises.

Ultimately, both sides will have to address the very, very difficult permanent status issues. The future of Jerusalem is a challenge which the two parties can only resolve together through negotiations, taking into account the religious and political concerns that both will bring to the table. Any solution will also have to protect the religious interests of Jews, Christians and Muslims the world over.

On Palestinian refugees, the two parties must strive for a just solution that is both fair and realistic. Again, if there is to be a lasting peace, both sides will have to embrace negotiations on these and the other tough issues before them. The goal can be nothing less than an end to their conflict and a resolution of outstanding claims. As we have for half a century, the United States is ready to play an active leadership role in helping the parties along the road to a more hopeful future. Toward that end, President Bush and I have asked Assistant Secretary of State for Near Eastern Affairs Bill Burns to return to the region later this week for consultations.

I am also pleased to announce this morning that Retired Marine Corps General Anthony Zinni has agreed to serve as a senior advisor to me, with the immediate mission of helping the parties achieve a durable cease-fire and to move along the lines of the Tenet security work plan and the Mitchell Committee Report. Tony Zinni is a good friend of mine. He is a distinguished soldier, a Marine, with a long experience in the Middle East, particularly on security issues. He will be an invaluable addition to our team.

I heard from Prime Minister Sharon this morning that Israel is forming a senior-level committee to work with the Palestinians on the negotiation and implementation of a cease-fire and what follows from that. I also understand that Chairman Arafat remains ready to do likewise and to engage on these issues through a similar senior-level committee.

I have asked General Zinni to go to the region and remain in the region to work with these two committees and to lend our strongest efforts to the establishment of a cease-fire. Get that cease-fire in place, and other things can start to happen. Without that cease-fire, we are still trapped in the quicksand of hatred. I expect these new committees, with General Zinni's participation, to begin working in the very, very near future.

To help this process, the United States remains ready to contribute actively to a third party monitoring and verification mechanism acceptable to both parties. With a successful cease-fire, and as we move forward on the Mitchell Report and Tenet work plan, we will work urgently with our international partners on an economic reconstruction effort to help rebuild the Palestinian economy. (Applause.)

We cannot hope to turn the current situation around by acting alone, nor should we want to. As in Madrid, so too does our current quest for a better future for Israelis and Palestinians depend on the support of our friends. We look forward to continuing to work closely with Egypt and Jordan, with the European Union, the United Nations Secretary General, with Russia and our many other partners in this effort. They have been so helpful; they all stand behind the Mitchell Committee Report.

My friends, the stakes in our effort are enormous. It would be a tragedy to divert the energies and talents of another generation of young people from peace and prosperity to war and survival. It would be a tragedy to sacrifice so many more potential presidents and prime ministers and peacemakers and poets to this cruel conflict. It is time - no, it is past time - to end this terrible toll on the future. It is time - past time - to bring the violence to an end and to seek a better day. (Applause.)

Today is the 24th anniversary of Egyptian President Anwar Sadat's historic visit of peace and reconciliation to Jerusalem. As we work to make our vision a reality, we should recall the vision and courage of President Sadat, and of the region's other great peacemakers: Israel Prime Minister Yitzhak Rabin, and Jordan's King Hussein. They are no longer with us, but their legacy lives on and inspires us. President Bush and I are determined to pursue this quest, and with the peoples of the Middle East, to make the vision of the region at peace a reality. History, fate and success have combined to compel American leadership in the Middle East and around the globe. We welcome the challenge. We welcome the opportunity to use our power and influence to make the world a better place for all of God's children.



**STATEMENT BY THE CHAIR OF COORDINATING BUREAU OF THE NON-ALIGNED
MOVEMENT ON THE INTERNATIONAL DAY OF SOLIDARITY WITH THE
PALESTINIAN PEOPLE, NEW YORK, 29 NOVEMBER 2001**

On behalf of the Non-Aligned Movement, I extend our warm greetings to all Palestinians on this International Day of Solidarity with the Palestinian People.

Perhaps more than ever before, the international community is at an important period of history filled with opportunities to translate the hopes of the people of Palestine into reality. In this regard, the Non-Aligned Movement welcomes the positive statements and actions of the US, European countries and the Arab League in assisting Israel and Palestine to re-ignite the Middle East Peace Process. The NAM welcomes the emerging international consensus on the need to create an independent Palestinian State based on Security Council Resolutions 242 (1967) and 338 (1973) and the principle of land for peace. Indeed, this emerging consensus reaffirms the Movement's long standing principled position calling for the creation of an independent Palestinian State with Jerusalem as its capital. The achievement of these ideals will meet the aspirations of the people of Palestine and bring about a lasting and comprehensive peace to the Middle East.

But the tragic events of the last year demonstrate that a lot more needs to be done to lift the hopes of the Palestinian people. In the past year the international community has witnessed a dramatic deterioration of the situation in the Occupied Palestinian Territory, including Jerusalem. The NAM reiterates its condemnation of the excessive use of force by Israel towards the Palestinians, the incursions into and re-occupation of Palestinian controlled territory and institutions in particular Orient House, the extra-judicial killings, the continuing expansion and building of settlements, the blockades and other forms of collective punishment.

We wish to reiterate our common conviction that a just and lasting peace can only be achieved through peaceful negotiations. The full implementation of the recommendations of the Sharm El-Sheikh Fact-Finding Committee (Mitchell Report) provides a good basis for the parties to take the necessary steps to bring violence to an end. The deployment of a credible international presence or monitoring mechanism in the Occupied Palestinian Territory is necessary to verify the implementation of agreements.

The Movement is pleased with the reconvening on 5 December 2001 of the Conference of High Contracting Parties to the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) on measures to enforce the Convention in the Occupied Palestinian Territory including Jerusalem. In this regard, NAM urges Israel to make every effort to fulfil its obligations under the Convention.

Lastly, we wish to restate the Movement's principled position that the United Nations, and in particular the Security Council, has a permanent responsibility towards the question of Palestine and commend the role played by the Secretary-General of the United Nations in the peace process.

To all our Palestinian brothers and sisters, NAM wishes to reaffirm that your struggle is for a legitimate cause and your suffering should not be allowed to drag on any longer. NAM recommits itself to assist in achieving a lasting and comprehensive peace in the Middle East.



**ISRAELI COUNCIL FOR PEACE AND SECURITY,
PLAN FOR UNILATERAL SEPARATION, NOVEMBER 2001**

[The Council comprises some 1,000 retired Israeli reserve generals, colonels, and top level Shin Bet and Mossad officer. With this plan it announced the launching of a public campaign aimed at bringing about Israel's unilateral withdrawal from Gaza and much of the West Bank. Ha'aretz reported on 18 Feb. 2001 that the plan involves evacuating 40-50 settlements, full withdrawal from Gaza (except for a zone along the Egyptian border), and redeployment in the West Bank except for areas along the Green Line, the Jordan Valley, the Gush Etzion and Ariel blocs, the Hebron and Kiryat Arba settlements, and the Greater Jerusalem area. While drafting the plan, council members met with major government figures, though PM Sharon refused to meet them.]

Our ongoing rule over the Palestinian people constitutes a strategic and moral liability for the State of Israel. Hence we must strive to bring about separation between the two people. Fulfilling the right of the Jewish people to self-determination means dividing the Land of Israel, creating two states for two peoples, and guaranteeing a Jewish majority in the independent State of Israel. It means secure and recognized boundaries based on the 1967 borders, with essential border alterations.

The political peace process is at a dead end, and a violent confrontation is threatening to escalate into a bloody war between the two peoples. Since there appears to be little likelihood of a change for the better in the foreseeable future, it is imperative for us to find a phased, unilateral process of separation at our own initiative - a course that does not necessarily require the concurrence of the Palestinian side. In parallel, both sides must continue to strive for a political resolution, for this is the only way to end the violence.

The plan for unilateral separation does not aspire to generate a permanent solution to the Israeli - Palestinian conflict. Rather, it is a temporary arrangement, based on an Israeli initiative, that is intended to serve the vital and immediate interests of both peoples.

Israel for its part will announce that in parallel with the process of separation and redeployment along new lines, it will be prepared to offer official recognition to an independent Palestinian state declared by the Palestinian Authority in areas under its control. In this way, future negotiations will be held between two legitimate governments.

Israel will act to recruit the political support of the United States and Europe and to persuade them that these steps will have the effect of ending the current political stalemate.

Primary Objectives of the Unilateral Separation Plan

- To reduce the huge burden (in budgetary allocations and human and material resources) currently shouldered by the security establishment.
- To strengthen the security sources' defensive capacity while reducing threats and dangers to the Israeli public.
- To minimize friction with the Palestinian population.
- To reduce the danger of uncontrollable escalation toward all out war.
- To halt what is for Israel a negative demographic dynamic, whereby Jews are becoming a minority in historic Eretz Yisrael between the Mediterranean and the Jordan.

Main Aspects of the Unilateral Separation Plan:

- A significant shortening of Israel's lines of defense, requiring the removal of settlements and installations.

- Initial implementation of the unilateral separation plan will not involve Jerusalem. The fate of Jerusalem will be determined within the framework of negotiations over a permanent settlement.
- Settlements adjacent to and just across the Green Line will constitute the basis for redeployment, and will remain under Israeli rule until a permanent border has been agreed between the two sides.
- Initially the international transit points on the Jordan and at Rafah will remain under Israeli rule until agreement is reached with the Palestinians, Jordan, and Egypt on alternative coordinated arrangements for border control.
- The plan will be presented to, and to the extent possible coordinated with, the United States, the Palestinian Authority, and Arab states in the region.
- The plan can be carried out in phases, beginning with the more easily accomplished aspects and ending with more difficult [ones]. These objectives can be achieved through a flexible timetable of phasing.
- The plan will be rendered more feasible by the continued implementation of measures to improve the living conditions of Arab citizens of Israel and to reduce socioeconomic gaps between them and Jewish citizens.

Components of the Plan

Shorter lines of defense mean [the] dismantling of settlements and installations:

- Gaza Strip: Withdrawal from all areas except a buffer strip along the international border with Egypt.
- Northern Samaria (Nablus, Jenin, Tulkarm, and Qalqilya districts): redeployment along the topographically dominant line to the east and south of the Green Line.
- Southern Mount Hebron: Redeployment along the topographically dominant line to the east and north of the Green Line.
- Bethlehem district: Redeployment based on the Green Line.
- Ramallah district: Redeployment according to the topography dominating the Green Line.

The unilateral separation plan will initially not comprise the following areas, which will remain for the time being under Israeli control:

- The Jordan Valley, from Mehola in the north to Ein Gedi in the south, including all settlements and Ma'ale Efraim.
- The Jerusalem area and a corridor connecting it to the Jordan Valley.
- The Etzion Bloc area.
- The Ariel area.
- Hebron (Qiryat Arba and the Jewish Quarter).

Unilateral separation that comprises the removal of settlements and installations will require considerable budgetary resources. But in the long term it will save both material resources and human lives, and offer an opportunity to end the current impasse. The unilateral separation plan does not offer a complete solution. It was formulated for the future benefit of the State of Israel. It has the potential to create conditions that are substantially better than the current situation, in which escalation threatens both peoples.



US PRESIDENT GEORGE W. BUSH, REMARKS ON FINANCIAL FIGHT AGAINST TERROR: FREEZING FINANCIAL ASSETS OF GROUPS ALLEGEDLY LINKED TO HAMAS, THE ROSE GARDEN, WASHINGTON, DC, 4 DECEMBER 2001

Today we take another important step in the financial fight against terror. From the beginning of this fight I have said our enemies are terrorist networks of global reach; and all who harbor them and support them are our enemies as well. We began with Al Qaeda and the Taliban. We identified some of Al Qaeda's financial backers and we moved against their accounts.

In November, we advanced further and identified 22 more global terrorist organizations. And now we are moving against their financing as well.

At midnight yesterday the Treasury Department froze the assets and accounts of the Holy Land Foundation in Richardson, Texas, whose money is used to support the Hamas terror organization.

Earlier today, federal agents secured the offices and records of the Holy Land Foundation in Texas, California, New Jersey and Illinois as a part of an ongoing investigation. At the same time, we have blocked the accounts of an Hamas-linked bank, an Hamas-linked holding company based in the West Bank.

The message is this: Those who do business with terror will do no business with the United States or anywhere else the United States can reach.

Hamas is an extremist group that calls for the total destruction of the State of Israel. It is one of the deadliest terrorist organizations in the world today.

Hamas openly claimed responsibility for this past weekend's suicide attacks in Israel that killed 25 innocent people, many of them teenagers, and wounded almost 200 other people. Hamas is guilty of hundreds of other deaths over the years; and just in the past 12 months have killed two Americans. And today we act.

Hamas has obtained much of the money that it pays for murder abroad right here in the United States, money originally raised by the Holy Land Foundation. The Holy Land Foundation is registered with the IRS as a tax-exempt charity based in Richardson. It raised \$13 million from people in America last year. The Holy Land Foundation claims that the money it solicits goes to care for needy Palestinians in the West Bank and Gaza. Money raised by the Holy Land Foundation is used by Hamas to support schools and indoctrinate children to grow up into suicide bombers. Money raised by the Holy Land Foundation is also used by Hamas to recruit suicide bombers and to support their families.

America has called on other nations to suppress the financing of terror. Today we take further steps to suppress it inside our borders. I am confident that most of the donors to the Holy Land Foundation, and perhaps even some of the individuals who are associated with the Foundation, had no idea how its money was being used. They wanted to relive suffering in the region of the world that has suffered too much. But the facts are clear, the terrorists benefit from the Holy Land Foundation. And we're not going to allow it. Our action today is another step in the war on terrorism. It's not the final step. There are more terrorist networks of global reach, and more front groups who use deceit to support them. The net is closing. Today it just got tighter.



**UN HIGH COMMISSIONER FOR HUMAN RIGHTS, MARY ROBINSON,
CALL FOR SETTING UP AN INTERNATIONAL MONITORING PRESENCE IN THE
OCCUPIED TERRITORIES, CONFERENCE OF HIGH CONTRACTING PARTIES OF
THE FOURTH GENEVA CONVENTION, GENEVA, 5 DECEMBER 2001**

I wish to express my gratitude to the Government of Switzerland for inviting my Office to participate in this important meeting. I commend the Government of Switzerland as the depositary of the Convention, for its efforts to achieve the widest possible consensus.

This Conference of High Contracting Parties, called for by United Nations General Assembly resolution ES-10/6, represents an important opportunity to advance the application of international humanitarian law. Apart from the General Assembly, the fifth Special Session of the Commission on Human Rights, and several mechanisms established by the Commission on Human Rights, including the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 and the International Commission of Inquiry had also called for the convening of such a Conference. Each of us knows that it is a difficult time, and that words matter and will be noted.

The Security Council, the General Assembly and the Commission on Human Rights have also repeatedly reaffirmed the *de jure* applicability to the occupied Palestinian territories of the 1949 Fourth Geneva Convention relative to the Protection of Civilians in Time of War.

Amongst the mandated responsibilities of the Office of the High Commissioner are: support for the UN human rights system, including the treaty monitoring bodies; the monitoring of human rights violations; and providing technical cooperation to assist governments to implement human rights. OHCHR discharges these aspects of its mandate in disputed and occupied territories, as well as in integral states. It should be noted in this context that all UN treaty-monitoring bodies that have considered this question have determined the applicability of the human rights covenants and conventions in the occupied Palestinian territories.

In the report of my visit to the region, November 2000, I also indicated that the full application of the Fourth Geneva Convention is essential to guarantee respect for fundamental human rights.

Mr. Chairman,

Since my last visit to the region in November 2000, I have been following closely the developments in Israel and the occupied Palestinian territories. I can honestly say that not a day goes by without my following events in detail, and I do so with growing anxiety.

The serious deterioration of the situation has had a terrible cost in terms of human lives. Since the end of September 2000, over 830 Palestinians, including many children, have been killed and 16,500 injured. More than 230 Israelis have been killed over the same period including in the horrific attacks in Jerusalem and Haifa only last week-end. Most of those killed and injured on both sides have been civilians. It is important to emphasize that neither the Israeli policy of targeted assassination of Palestinian civilians, nor Palestinian attacks against Israeli civilians, can be reconciled with provisions of international humanitarian law, including the Fourth Geneva Convention. Articles 27 and 32, in particular, seek to protect the lives of persons not taking a direct part in the hostilities. These practices also violate human rights norms that affirm the right to life and the prohibition on execution of civilians without trial and fair judicial process.

Collective punishments such as prolonged siege and closures of the territories and destruction of homes and agricultural land, has also led to increased poverty and a steady economic decline in the West Bank and in Gaza.

The consequences of collective punishments are manifold: Palestinian workers cannot reach their places of work in Israel, Palestinian producers are prevented from exporting their products, unemployment increased, pupils and students are denied their right to education, and injured and sick people are deprived of their right to health-care. All of this has had grave effects on economic, social and cultural life in the Palestinian territories in general. It has adversely impacted on an already weak Palestinian economy. There has been a dramatic loss of income for a large section of the population, and medical and humanitarian aid has been impeded.

These actions on the part of Israeli authorities cannot be reconciled with several articles of the Fourth Geneva Convention, nor with international human rights law, namely the Covenant on Economic, Social and Cultural Rights.

Today there are more than 150 settlements in the West Bank and Gaza inhabited by approximately 380,000 settlers, of whom some 180,000 live in East Jerusalem. Although resolutions of the Security Council, the General Assembly and the Commission on Human Rights have stated that these settlements violate article 49 (6) of the Fourth Geneva Convention, the settlements have undergone considerable expansion since the start of the Oslo Peace process in September 1993. Settlements have become a catalyst for violence. They are protected by the Israeli Defense Forces and are exempt from the jurisdiction of the courts of the Palestinian Authority. Settlers have committed numerous acts of violence against Palestinians.

Palestinian hostility against settlers has also grown alarmingly and Palestinians have killed a number of settlers. Despite the fact that the settlers presence in the occupied Palestinian territories is illegal, those who are not taking part in military hostilities remain civilians. Such killings are also contrary to the norms of international law. The increase in violence directed at settlers has been linked to an alarming rise in the incidence of hate speech and incitement.

Mr. Chairman,

The protection of the victim should be the overriding concern of the UN and its agencies and programmes. However, the failure to resolve the fundamental problem of occupation - an occupation which has continued for over 34 years - combined with the failure by successive Israeli governments to comply with the provisions of the Fourth Geneva Convention and international human rights standards, has left the population of the occupied Palestinian territories in a vulnerable situation, lacking protection and exposed to a wide range of violations.

Protection needs to be accorded to the people of the occupied territories in strict compliance with the Fourth Geneva Convention. My mandate obliges me to seek resolution of, and remedies for, human rights violations whenever and wherever they occur, and to prevent further violations if possible. I strongly believe that ensuring respect for the international human rights standards set out in the Universal Declaration of Human Rights and the Fourth Geneva Convention is crucial in order to prevent human suffering and in the search for comprehensive solutions for peace. Article 1 of the Convention places a duty on the High Contracting Parties "to respect and ensure respect of" the provisions of the Convention "in all circumstances". To meet this challenge, legal and diplomatic mechanisms are available under the United Nations Charter, in addition to those created by the Convention itself.

I would like to reiterate my call for the establishment of an international monitoring presence in the occupied Palestinian territories. I urge both Israelis and Palestinians to work towards ending the mutually destructive cycle of violence and to seek a return to negotiations, the aim of which should be to achieve peace through a just and durable solution, in conformity with fundamental standards of international human rights and humanitarian law.



**STATEMENT BY THE CHAIR OF THE NON-ALIGNED MOVEMENT AT THE
CONFERENCE OF HIGH CONTRACTING PARTIES TO THE FOURTH GENEVA
CONVENTION, GENEVA, 5 DECEMBER 2001**

Mr Chairman,

South Africa has the honour to address this Conference on behalf of High Contracting Parties to the Fourth Geneva Convention Members of the Non-Aligned Movement.

At the outset, allow me to thank and commend you, Mr Chairman, and the Swiss depository for the exhaustive and thorough consultations and preparations, which have made this important Conference possible.

The Non-Aligned Movement has repeatedly called for the urgent reconvening of this meeting, most recently in its Ministerial Declaration adopted at the 56th UN General Assembly, in an effort to address the rapidly deteriorating humanitarian situation in the Occupied Palestinian Territories. The Movement has furthermore reaffirmed the applicability of the Fourth Geneva Convention to the Occupied Territories, including East Jerusalem.

Mr Chairman,

It is the strong view of South Africa, and the Non-Aligned Movement, that all High Contracting Parties have the responsibility to respect and to ensure respect for International Humanitarian Law, to

enhance such respect, to ensure that it does not become eroded and that humanitarian principles and respect for human dignity are not diminished.

We are approaching a year of unprecedented tragedy and pain in the Middle East – a year in which the Israeli / Palestinian conflict has been highlighted as one of the major impediments to peace, stability and security in the world. Allow me to emphatically reiterate the Movement's concern and condemnation of the maintenance of Israeli Government policies, including:

- The use of excessive military force against Palestinian civilians
- Ongoing extra-judicial assassination of Palestinian civilians
- The detention and torture of Palestinians without charge or trial
- The continuing illegal expansion and building of Israeli settlements in the Occupied Palestinian Territories
- The blockading of the Palestinian Territories, both internally, between Palestinian centres, and externally
- The willful destruction of Palestinian homes and agricultural crops

These policies have contributed to the severe and dangerous deterioration of the situation in the Occupied Palestinian Territories. The Non-Aligned Movement has repeatedly expressed its concern about the impact of this deterioration on the Middle East Peace Process and at the volatility of the situation in the region, which acquire additional and urgent dimensions in light of present international circumstances.

The devastating and tragic attacks against Israeli civilians that we have witnessed in the past week have been linked, by their perpetrators, to the atmosphere created by the deliberate Israeli violations of the Fourth Geneva Convention.

The raging violence that is presently engulfing the region is a bad omen to a return to negotiations leading to a lasting peace in the Middle East. Acknowledging that both Israelis and Palestinians need to live in peaceful co-existence, this "tit-for-tat" violence has to stop. The Non-Aligned Movement is convinced that retaliation by the Sharon Government will not give them the security and peace they desire. Replying terrorist acts of violence with more and disproportionate use of military force that leads to more civilian fatalities is not the correct way. As we all know, an investment in war is no guarantee for peace. The Non-Aligned Movement strongly urges both parties to take effective steps to return to the negotiations.

The Non-Aligned Movement deplores the loss of life on both sides of the conflict and reiterates its condemnation of all attacks against civilians. In the context of the spiralling levels of deadly violence in the Middle East, this timely Conference takes on a special importance. The application and respect of the Fourth Geneva Convention, including the immediate implementation of concrete measures to ensure respect for the Convention and prevent a further deterioration of the human rights situation in the Occupied Territories contained in the Final Declaration before us, would contribute towards ensuring that Palestinians may live normal lives. This in turn would prevent the resentment that leads to acts of violent desperation unnecessarily claiming innocent lives and leading to further cycles of retaliation and retribution. The effective application of International Humanitarian Law in the Occupied Palestinian Territories thus ultimately addresses the question of how to save lives of civilians on both sides of the conflict.

The Non-Aligned Movement therefore lends its full support to the Final Declaration before this Conference.

I thank you, Mr Chairman.



**WORLD COUNCIL OF CHURCHES, COMMISSION OF THE CHURCHES ON
INTERNATIONAL AFFAIRS, STATEMENT CALLING ON ISRAEL TO OBSERVE ITS
RESPONSIBILITIES UNDER FOURTH GENEVA CONVENTION, 5 DECEMBER 2001**

[The statement was released on the occasion of the Conference of the High Contracting Parties to the Fourth Geneva Convention that was held in Geneva the same day].

The Commission of the Churches on International Affairs of the World Council of Churches (hereinafter WCC/CCIA) welcomes today's conference of the High Contracting Parties (hereinafter HCP) to the 1949 Fourth Geneva Convention (hereinafter the Convention) "on measures to enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, and to ensure respect thereof in accordance with common Article 1" (UNGA RES/ES -10/3, July 1997; 10/4 November 1997; 10/5 March 1998; 10/6 February 1999).

While the WCC/CCIA believes that the reaffirmation by the HCP of the principles defined for the protection of civilian populations under occupation is an important step, the Declaration of December 5th, 2001 falls short by failing to recommend concrete measures to ensure the respect of these same principles.

In view of the horrific escalation of the conflict, especially in these last weeks, the WCC/CCIA reaffirms once again its endorsement of the conclusions and recommendations of the Human Rights Inquiry Commission of 16 March 2001, which, inter alia, recommended that the reconvened "Conference should establish an effective international mechanism for taking urgent measures needed ... to alleviate the daily suffering of the Palestinian people flowing from the severe breaches of international humanitarian law."

The WCC/CCIA notes that the Convention is a cornerstone of international humanitarian law and provides basic legal standards for the treatment of civilians during armed conflict or under occupation. It bans, among other things; indiscriminate use of force against civilians, wanton destruction of property, torture, collective punishment, the annexation of occupied territory, the establishment of settlements on occupied land and requires judicial accountability for those who commit war crimes.

Most importantly WCC/CCIA reiterates that the Convention requires that all HCP ensure that the Convention is respected in all circumstances. In this context the WCC/CCIA believes that there are immediate moves available to fulfill this obligation, and a meeting of the HCP is the first effective step towards achieving that goal.

The WCC/CCIA reaffirms previous statements of its governing bodies, where it highlighted grave breaches of the Convention by Israel against civilians, including repressive forms of collective punishments, restriction of freedom of movement including access to the Holy sites, the bombing and shelling of civilian neighborhoods and the destruction of property including tens of thousands of olive trees and the denial of access to timely medical assistance.

The WCC/CCIA once again calls upon Israel to abide scrupulously by its legal obligations and responsibilities as a signatory to the Fourth Geneva Convention to put an end to the ongoing violations in the Occupied Palestinian Territories, including the military occupation itself. In addition, it restates its position that Israel's repeated defiance of international law, its continuing occupation and the impunity it has so long enjoyed are the fundamental causes of the present violence and threaten peace and security of both peoples.

The WCC/CCIA appeals to the international community to fulfill its obligations under international humanitarian law. This it should do by ensuring that Israel complies with the requirements of international law so that the international community is not complicit in its violations of human rights but is instrumental in ensuring the protection of all civilians.

As people of faith we uphold and defend the sanctity of all life, both Palestinian and Israeli and can not remain silent in the face of suffering, insecurity and fear of both peoples.

Therefore we reiterate the WCC Executive Committee resolution of September 14, 2001 which calls the WCC member churches, ecumenical partners and Christians around the world, in the context of the Decade to Overcome Violence: Churches Seeking Reconciliation and Peace (2001-2010), to focus attention in 2002 on intensive efforts to End the Illegal Occupation of Palestine, and to participate actively in coordinated ecumenical efforts, among others, to support the newly established Ecumenical Monitoring Programme in Palestine and Israel (EMPPPI); to join in non-violent acts of resistance to the destruction of Palestinian properties and to forced evictions of people from their homes and lands; an international boycott of goods produced in the illegal Israeli settlements in the occupied territories; and in international prayer vigils to strengthen the "chain of solidarity" with the Palestinian people, and for a just peace in the Middle East.



**HIGH CONTRACTING PARTIES TO THE FOURTH GENEVA CONVENTION,
DECLARATION ON THE CONVENTION'S APPLICABILITY TO THE OCCUPIED
PALESTINIAN TERRITORIES, 5 DECEMBER 2001**

1. This Declaration reflects the common understanding reached by the participating High Contracting Parties to the reconvened Conference of the High Contracting Parties to the Fourth Geneva Convention. The Conference of 15 July 1999, recommended by United Nations' General Assembly Resolution ES10/6 in an Emergency Special Session, issued a statement as follows: "The participating High Contracting Parties reaffirmed the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory, including East Jerusalem. Furthermore, they reiterated the need for full respect for the provisions of the said Convention in that Territory. Taking into consideration the improved atmosphere in the Middle East as a whole, the Conference was adjourned on the understanding that it will convene again in the light of consultations on the development of the humanitarian situation in the field."
2. The participating High Contracting Parties express deep concern about the deterioration of the humanitarian situation in the field. They deplore the great number of civilian victims, in particular children and other vulnerable groups, due to indiscriminate or disproportionate use of force and due to lack of respect for international humanitarian law.
3. Taking into account Art. 1 of the Fourth Geneva Convention of 1949 and bearing in mind the United Nations' General Assembly Resolution ES10/7, the participating High Contracting Parties reaffirm the applicability of the Convention to the Occupied Palestinian Territory, including East Jerusalem, and reiterate the need for full respect for the provisions of the said Convention in that Territory. Through the present Declaration, they recall in particular the respective obligations under the Convention of all High Contracting Parties (para. 4-, of the parties to the conflict (para. 8-) and of the State of Israel as the Occupying Power (para. 12-15).
4. The participating High Contracting Parties call upon all parties, directly involved in the conflict or not, to respect and to ensure respect for the Geneva Conventions in all circumstances, to disseminate and take measures necessary for the prevention and suppression of breaches of the Conventions. They reaffirm the obligations of the High Contracting Parties under Articles 146, 147, and 148 of the Fourth Geneva Convention with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties.
5. The participating High Contracting Parties stress that the Fourth Geneva Convention, which takes fully into account imperative military necessity, has to be respected in all circumstances.
6. The participating High Contracting Parties see the need to recall basic humanitarian rules with regard to persons taking no active part in the hostilities, which shall be treated humanely without any discrimination, and to recall the prohibition at any time and in any place whatsoever of acts

of violence to life and person, torture, outrages upon personal dignity and of arbitrary and extrajudiciary executions.

7. The participating High Contracting Parties express their support for the endeavors of the humanitarian relief societies in the field in ensuring that the wounded and sick receive assistance, and for the activities of the International Committee of the Red Cross (ICRC), the United Nations Relief and Works Agency in the Near East (UNRWA) and of other impartial humanitarian organizations. They also express their support for the efforts of the United Nations High Commissioner for Human Rights and of UN Special Rapporteurs in order to assess the situation in the field and they take note of the reports and recommendations of the High Commissioner for Human Rights and of the Commission of Inquiry.
8. The participating High Contracting Parties call upon the parties to the conflict to ensure respect for and protection of the civilian population and civilian objects and to distinguish at all times between the civilian population and combatants and between civilian objects and military objectives. They also call upon the parties to abstain from any measures of brutality and violence against the civilian population whether applied by civilian or military agents and to abstain from exposing the civilian population to military operations.
9. The participating High Contracting Parties call upon the parties to the conflict to respect and to protect at all times the fixed establishments and mobile medical units of the Medical Services and to facilitate the operations of the humanitarian relief societies in the field, including the free passage of their ambulances and medical personnel, and to guarantee their protection.
10. The participating High Contracting Parties call upon the parties to the conflict to facilitate the activities of the ICRC, within its particular role conferred upon it by the Geneva Convention, the UNRWA and of other impartial humanitarian organizations. They recognize and support their efforts to assess and to improve the humanitarian situation in the field. They invite the parties to the conflict to cooperate with independent and impartial observers such as the Temporary International Presence in the City of Hebron (TIPH).
11. The participating High Contracting Parties call upon the parties to the conflict to consider anew suggestions made at the meeting of experts of High Contracting Parties in 1998 to resolve problems of implementation of the Fourth Geneva Convention and to respect and to ensure respect in all circumstances for the rules of international humanitarian law and to cooperate within the framework of direct contacts, including procedures of inquiry and of conciliation. They encourage any arrangements and agreements supported by the parties to the conflict on the deployment of independent and impartial observers to monitor, *inter alia*, breaches of the Fourth Geneva Convention as a protection and confidence building measure, with the aim to ensure effectiveness of humanitarian rules.
12. The participating High Contracting Parties call upon the Occupying Power to fully and effectively respect the Fourth Geneva Convention in the Occupied Palestinian Territory, including East Jerusalem, and to refrain from perpetrating any violation of the Convention. They reaffirm the illegality of the settlements in the said territories and of the extension thereof. They recall the need to safeguard and guarantee the rights and access of all inhabitants to the Holy Places.
13. The participating High Contracting Parties call upon the Occupying Power to immediately refrain from committing grave breaches involving any of the acts mentioned in Art. 147 of the Fourth Geneva Convention, such as willful killing, torture, unlawful deportation, willful depriving of the rights of fair and regular trial, extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly. The participating High Contracting Parties recall that according to Art. 148 no High Contracting Party shall be allowed to absolve itself of any liability incurred by itself in respect to grave breaches. The participating High Contracting Parties also recall the responsibilities of the Occupying Power according to Art. 29 of the Fourth Geneva Convention for the treatment of protected persons.
14. The participating High Contracting Parties also call upon the Occupying Power to refrain from perpetrating any other violation of the Convention, in particular reprisals against protected persons and their property, collective penalties, unjustified restrictions of free movement, and to treat

the protected persons humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria.

15. The participating High Contracting Parties call upon the Occupying Power to facilitate the relief operations and free passage of the ICRC, UNRWA, as well as any other impartial humanitarian organization, to guarantee their protection and, where applicable, to refrain from levying taxes and imposing undue financial burdens on these organizations.
16. The participating High Contracting Parties stress that respect for the Fourth Geneva Convention and international humanitarian law in general is essential to improve the humanitarian situation in the field and to achieve a just and lasting peace. The participating High Contracting Parties invite the parties concerned to bring the conflict to an end by means of negotiation and to settle their disputes in accordance with applicable international law.
17. The participating High Contracting Parties welcome and encourage the initiatives by States Parties, both individually and collectively, according to Art. 1 of the Convention and aimed at ensuring the respect of the Convention, and they underline the need for the Parties to follow up on the implementation of the present Declaration.
18. The participating High Contracting Parties express their gratitude to the Depository of the Fourth Geneva Convention for its good services and efforts.



US CONGRESS, CONCURRENT RESOLUTION (H. CON. RES. 280), EXPRESSING SOLIDARITY WITH ISRAEL IN COMMON STRUGGLE AGAINST TERRORISM, 107TH CONGRESS, 1ST SESSION, WASHINGTON, DC, 5 DECEMBER 2001

CONCURRENT RESOLUTION

Whereas 26 innocent people in Israel were murdered in cold blood and at least 175 wounded by Palestinian terrorists, all within 14 hours, during the weekend of December 1-2, 2001;

Whereas this is the equivalent, on a proportional basis, of 1,200 American deaths and 8,000 wounded;

Whereas United States Middle East envoy Anthony Zinni has labeled the terrorism of December 1-2, 2001, 'the deepest evil one can imagine';

Whereas this bloody weekend is part of an ongoing terror campaign often targeted at youth and families and perpetrated by the Islamic fundamentalist groups Hamas and Palestinian Islamic Jihad and other Palestinian terrorist groups;

Whereas President Bush declared at a joint session of Congress on September 20, 2001, that 'Every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists. From this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime'; and

Whereas President Bush declared on December 2, 2001, that 'Chairman Arafat must do everything in his power to find those who murdered innocent Israelis and bring them to justice': Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress

- (1) condemns the vicious terrorist attacks resulting in the death of 26 and the wounding of at least 175 innocent people in Israel within 14 hours during December 1-2, 2001, and extends its deepest sympathies to the Israeli nation and to the families of the victims;
- (2) expresses outrage at the ongoing Palestinian terrorist campaign and insists that the Palestinian Authority take all steps necessary to end it;
- (3) demands, specifically, that the Palestinian Authority take action immediately to--
 - (A) destroy the infrastructure of Palestinian terrorist groups;
 - (B) pursue and arrest terrorists whose incarceration has been called for by Israel; and
 - (C) either--

- (i) prosecute such terrorists, provide convicted terrorists with the stiffest possible punishment, and ensure that those convicted remain in custody for the full duration of their sentences; or
- (ii) render all arrested terrorists to the Government of Israel for prosecution;
- (4) urges the President to take any and all necessary steps to ensure that the Palestinian Authority takes the actions described in paragraph (3), including, if necessary, suspending all relations with Yasir Arafat and the Palestinian Authority;
- (5) further urges the President to insist that all countries harboring, materially supporting, or acquiescing in the private support of Palestinian terrorist groups end all such support, dismantle the infrastructure of such groups, and bring all terrorists within their borders to justice;
- (6) commends the President for his strong leadership against international terrorism, his forthright response to this most recent outrage, and his swift action to freeze additional sources of terrorist funds; and
- (7) expresses the solidarity of the United States with Israel in our common struggle against the scourge of terrorism.

Passed the House of Representatives December 5, 2001.

Attest:
Clerk.



**PRESIDENT YASSER ARAFAT, ADDRESS TO THE
PALESTINIAN PEOPLE, 16 DECEMBER 2001**

We will, without doubt,
Help our apostles and those
Who believe, (both)
In this world's life
And on the Day
When the Witnesses
Will stand forth-

Sadaqa Allahu Al-Athim.

Brothers and Sisters, Sons and Daughters of our struggling people, Nation of great people, Mothers, fathers, and brothers of our martyrs - You who have offered the most priceless gift, your own flesh and blood in the quest for freedom and independence and on the road to Palestine and Jerusalem Al-Sharif. You who are languishing in prison, and who have been wounded, with your endurance, your wounds, your pain and your hope, you have composed a heroic legend unique in this age, bringing us within sight of Jerusalem Al-Sharif, the capital of our independent Palestinian state.

My loved ones in all cities, villages, and refugee camps, within Palestine and in exile, you who have composed the epic of national struggle and the miracle of and steadfastness of endurance-to you alone we owe the safekeeping of our national cause, the preservation of our just and legitimate objectives and the unwavering assurance of their realization.

From my heart and my very being I greet you and wish you the best on this blessed Eid.

On this sacred occasion, I reach out to you speaking to your hearts and minds, laying before you with clarity the facts as they are. I do so in order to reflect collectively on all matters that concern us all and to reason together on our decisions and our future course. I am confident that this people, this proud and valiant nation, has the clarity of vision, the lucidity of awareness, and the strength of will and determination to enable it to overcome all difficulties and challenges in order to achieve its rights and protect its Christian and Muslim holy sites. Our nation has made our victory certain and inevitable on our own and free blessed land, the first of the Qiblas and the third of the most sacred mosques,

the site of the Nocturnal Journey of our prophet Muhammad, peace be upon him, and the birth place of Jesus Christ, peace be upon him.

Our national unity is the firm foundation that has preserved our national struggle and perseverance throughout the decades. It has provided our people's cause with all means of continuity and success. Similarly, it has provided our decision to pursue a comprehensive, just, and lasting peace with all means of safeguards, assurances of rights, and requirements for the unwavering pursuit of the goals of our national consensus without surrender and without losing sight of our priorities both in decision-making and in action.

Hence, from my position of responsibility and in the name of the Palestinian leadership, I wish to reaffirm the profound and candid definition of national unity in that it embraces all factions and national forces as well as all sectors of society and grassroots organizations in their commitment to the choices and decisions of national consensus as embodied by our National, Legislative, and Central Councils.

Thus, the Palestine Liberation Organization has been, and remains, the essential choice of our people in the homeland and in exile. The PLO is our force of cohesion, the leader of our struggle, the embodiment of our legitimacy, and our official representative before the world. Similarly, our National Authority remains faithful to our people's aspirations, the solid foundation for our nascent independent Palestinian state with its capital Jerusalem Al-Sharif, God willing. The PNA's elected Legislative Council and all its institutions, including the legislative and executive authorities, and its indisputable legitimacy through the ballot box, as well as its unanimous international recognition, have all paved the way for the future recognition of and relations with the state of Palestine.

I take this opportunity to affirm once more our democratic choice and our readiness to conduct municipal and legislative elections as soon as conditions render them appropriately secure.

In view of the standing of the PNA, as well as its current and future significance, the Sharon government has launched a vicious war against it, targeting its institutions and installations, its police and security personnel, its infrastructure (the infrastructure that we had worked assiduously with our brothers and allies to rebuild), its citizens, private property, schools and hospitals, fields, mosques and churches, farms, and the olive trees that stand witness to the authentic and longstanding heritage of this people and its deep-rootedness in land and history.

Indeed, it is a war launched on a people and its Authority; its resources; its personal, social, and economic security; and its legitimate dream to pursue a future free of occupation, oppression, and humiliation.

From the depth of this agony and this epic endurance of our people and institutions, I declare that this immoral and malicious war will not break the resolve of this great people, nor will it taint the will and pride of a people that stands firm in the face of indignity, as history has stood witness.

Given these conditions, dear brothers, I wish to affirm that we will not allow anyone whomsoever to undermine our great national and civilized endeavor, nor obstruct its path, distort its image, or falsify its pristine Arab and national essence.

We shall not stand for more than one Authority on this land, in this community and this homeland. Ours is an Authority whose decisions must be respected and commitments must be honored. When it concludes an agreement or undertakes an initiative, its full and unquestioned credibility must remain intact.

Dear brothers, we have declared a state of emergency and have undertaken a series of steps and measures that we intend to pursue, including declaring as outside the law all illegal organizations and bodies that carry out terrorist activities. We have undertaken a ceasefire initiative, and it is imperative that all should respect and abide by this initiative without exception. I am fully aware of the intentions behind Sharon's escalating military assaults, his siege of our cities, towns, and refugee camps, of his

occupation of our areas, exploiting operations carried out against Israeli civilians-these operations that we have condemned and continue to denounce.

This complex conflict in which we find ourselves does not permit and must not allow for the undermining of the credibility of the Palestinian leadership and its decisions. We must not allow Sharon and his military establishment, nor must we grant them all that they need in terms of pretexts so as to escalate their aggression, nor should we provide them with the means to label our brave and legitimate struggle for liberation as terrorism or as the killing of civilians.

Once again, I reaffirm today the full and immediate cessation of all armed operations. Again, I call for the total halt of all operations, particularly suicide attacks, that we have always denounced, and we shall hold accountable all those who facilitate and plan them. The same applies to the firing of mortars that serve no purpose except to provide the justification for Israeli assaults against us.

Any violation of this decision will be deemed as causing grave damage to the supreme national interests of our people and of the Arab nation, and all violators will be relentlessly prosecuted. Our objective is to reaffirm the credibility of our choices and course of action in order to restore calm for the implementation of the Mitchell recommendations and the Tenet understandings, and to return to the negotiating table, which remains the only means for the resolution of the conflict.

I am confident that our national consensus will remain firmly focused on the objectives of freedom, independence, the building of the independent Palestinian state with its capital Jerusalem Al-Sharif, within the framework of the resolutions of international legitimacy 242, 338, 425, and 194 (pertaining to the Palestinian refugees) and the principle of land-for-peace.

Dear sisters and brothers, we stand here on this sacred land of our pledge, defending the nation's honor, dignity, and integrity and safeguarding its Christian and Muslim holy sites.

I extend my most heart-felt gratitude and appreciation to all those brothers and friends throughout the world who have provided us with political, moral, and material support, both at the popular and official levels. Like all other Palestinians, I feel a tremendous sense of reassurance whenever Arab, Islamic, non-aligned, and other international fora convene either at our request or for our sake. It constitutes a constant and renewed message to the world that the Palestinians do not stand alone and that the Arab nation and their friends throughout the world remain at their side, committed to their cause and objectives and to the protection of their most sacred Christian and Muslim sites in the Holy Land.

Dear sisters and brothers, we must fully grasp the latest international developments, particularly in the aftermath of the terrorist attacks in New York and Washington on September 11th, 2001, and their impact on our cause and our rights. We shall always continue to safeguard our relations and contacts with all effective parties throughout world. We shall also make sure that we fully comprehend all rapid developments, and that we deal with them with full awareness, composure, and balance. We shall endeavor as well to maintain international mobilization and solidarity with our cause and rights, at a time in which we face deliberate distortion and incitement against us, and in which we face unjust attempts to tarnish with the label of terrorism our legitimate stand for liberation and for ending the occupation, as endorsed by international legitimacy.

I can proudly state that with the sacrifices and endurance of our people, and with our responsible conduct in this complex and multi-faceted conflict, we have succeeded in defeating all attempts at falsifying the legitimate authenticity of our struggle and the nobility of its objectives. In this context, we have achieved unprecedented accomplishments.

The justice of our struggle has been effectively reinforced by the vision presented by Secretary of State Collin Powell pertaining to the Palestinian question, which was preceded by President George W. Bush's declaration before the United Nations of his commitment to establishing the state of Palestine. It was reinforced by this latest clear and decisive stance of the European Union, Russia, the United

Nations, Arab and Islamic countries, non-aligned nations, and the international community. All these positions attest to the inevitability of the achievement of all our national and legitimate rights. The fairness and credibility of our people's struggle and cause are further evidenced in the maintaining of strong and solid friendships and alliances with states and peoples throughout the world.

At this point, and in your name, the great and steadfast Palestinian people, I shall address the Israelis as a whole with a message of absolute clarity: Our dialogue began decades ago. Side by side, and in the most difficult of conditions, we struggled along with the peace forces and in defiance of a legal and political ban imposed by several Israeli governments. We strove in order to legitimize dialogue as the basis for reaching mutual understanding, and negotiations as the means to achieve mutually beneficial results.

Our joint insistence on dialogue enabled us to reach Madrid, Oslo, and other stations on our road to peace—the peace of the brave, for your children and for ours.

At this point, I renew our pledge to continue the dialogue, and I call on the government of Israel to abandon the illusion that tanks and airplanes are capable of accomplishing what should be achieved only through negotiations and mutual understanding. We are not seeking the impossible. We do not constitute a threat to the existence of the state of Israel. We want the restoration of our land, including Jerusalem, which was occupied in 1967. Our position is endorsed by international legality. We seek the withdrawal of Israeli forces from this land occupied in 1967, including the settlements, and this is consistent with international legality.

We seek the honest and accurate implementation of all agreements concluded between us, and the resumption of negotiations on permanent status issues without forgoing the preliminary achievements of Oslo, Wye River, Camp David, Sharm Al-Sheikh, Paris, and Taba.

In all candor, we seek a genuine Palestinian state, with everything that the word implies, with Jerusalem as its capital, alongside the state of Israel.

As for the tanks that pervade our cities and villages, the planes that destructively shell them in contravention of international law as well as all norms of civilized behavior and military ethic, the siege in all its forms, and the internationally-prohibited collective punitive measures, which are being exercised by the Israeli government—all these will not defeat the will and determination of the Palestinian people.

I renew my invitation to the people, political powers, institutions and government of Israel to return without delay to the table of negotiations and to proceed immediately to terminate these grave inhumane measures being exercised against our people and which serve no purpose except the aggravation of conditions and rendering security, peace, and stability in the region all that more distant.

In conclusion, to my beloved people, the great and proud nation within the homeland and in exile, I greet you and reach out to you so that together we will plant an olive tree on the grave of every martyr, for all that was destroyed shall be rebuilt, God willing and with the determination of the people. All beautiful hopes shall be realized with God's will. Victory is an hour's patience away.

And to enter your temple, as they have entered it before,
And to visit with destruction all that fell into their power

God will not fail in His promise, Sadaqa Allahu Al-Athim, Peace be upon you.



**UN GENERAL ASSEMBLY, RESOLUTION ES-10/8,
15TH PLENARY MEETING, 20 DECEMBER 2001**

The General Assembly,

Recalling its relevant resolutions,

Recalling also relevant Security Council resolutions, including resolution 1322 (2000) of 7 October 2000,

Emphasizing the need for a just, lasting and comprehensive peace in the Middle East based on Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and the principle of land for peace,

Emphasizing also in that regard the essential role of the Palestinian Authority, which remains the indispensable and legitimate party for peace and needs to be preserved fully,

Expressing its grave concern at the continuation of the tragic and violent events that have taken place since September 2000,

Expressing also its grave concern at the recent dangerous deterioration of the situation and its possible impact on the region,

Emphasizing further the importance of the safety and well-being of all civilians in the whole Middle East region, and condemning in particular all acts of violence and terror resulting in the deaths and injuries among Palestinian and Israeli civilians,

Expressing its determination to contribute to ending the violence and to promoting dialogue between the Israeli and Palestinian sides,

Reiterating the need for the two sides to comply with their obligations under the existing agreements,

Also reiterating the need for Israel, the occupying Power, to abide scrupulously by its legal obligations and responsibilities under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,⁴⁴

1. *Demands* the immediate cessation of all acts of violence, provocation and destruction, as well as the return to the positions and arrangements that existed prior to September 2000;
2. *Condemns* all acts of terror, in particular those targeting civilians;
3. *Also condemns* all acts of extrajudiciary executions, excessive use of force and wide destruction of properties;
4. *Calls upon* the two sides to start the comprehensive and immediate implementation of the recommendations made in the report of the Sharm el-Sheikh fact-Finding Committee (Mitchell Report) in a speedy manner;
5. *Encourages* all concerned to establish a monitoring mechanism to help the parties implement the recommendations of the report of the Fact-Finding Committee and to help to create a better situation in the Occupied Palestinian Territory;
6. *Calls* for the resumption of negotiations between the two sides within the Middle East peace process on its agreed basis, taking into consideration developments in previous discussions between the two sides, and urges them to reach a final agreement on all issues, on the basis of their previous agreements, with the objective of implementing Security Council resolutions 242 (1967) and 338 (1973);
7. *Decides* to remain seized of the matter.



**UN GENERAL ASSEMBLY, RESOLUTION ES-10/9,
15TH PLENARY MEETING, 20 DECEMBER 2001**

The General Assembly,

Recalling its relevant resolutions, including resolutions of the tenth emergency special session on the situation in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory,

Recalling also relevant Security Council resolutions, including resolutions 237 (1967) of 14 June 1967, 242 (1967) of 22 November 1967, 259 (1968) of 27 September 1968, 271 (1969) of 15 September 1969, 338 (1973) of 22 October 1973, 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465

⁴⁴ 1/ United Nations, *Treaty Series*, vol. 75, No. 973.

(1980) of 1 March 1980, 468 (1980) of 8 May 1980, 469 (1980) of 20 May 1980, 471 (1980) of 5 June 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 484 (1980) of 19 December 1980, 592 (1986) of 8 December 1986, 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, 636 (1989) of 6 July 1989, 641 (1989) of 30 August 1989, 672 (1990) of 12 October 1990, 673 (1990) of 24 October 1990, 681 (1990) of 20 December 1990, 694 (1991) of 24 May 1991, 726 (1992) of 6 January 1992, 799 (1992) of 18 December 1992, 904 (1994) of 18 March 1994 and 1322 (2000) of 7 October 2000,

Taking note with appreciation of the convening of the Conference of High Contracting Parties to the Fourth Geneva Convention, on 15 July 1999, as recommended by the General Assembly in its resolution ES-10/6 of 9 February 1999, and the statement adopted by the Conference,

Taking note with appreciation also of the reconvening of the above-mentioned Conference, on 5 December 2001, and the important declaration adopted by the Conference,

Recalling relevant provisions of the Rome Statute of the International Criminal Court,⁴⁵

Reaffirming the position of the international community on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, as illegal and as an obstacle to peace,

Expressing its concern at Israeli actions taken recently against the Orient House and other Palestinian institutions in Occupied East Jerusalem as well as other illegal Israeli actions aimed at altering the status of the city and its demographic composition,

Reiterating the applicability of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 ²/₄₆ to the Occupied Palestinian Territory, including East Jerusalem,

Stressing that the Fourth Geneva Convention, which takes fully into account imperative military necessity, has to be respected in all circumstances,

Bearing in mind the relevant provisions of the Charter of the United Nations, including Article 96 thereof,

1. *Expresses its full support* for the declaration adopted by the Conference of High Contracting Parties to the Fourth Geneva Convention, convened on 5 December 2001 at Geneva;
2. *Calls upon* all members and observers of the United Nations as well as the Organization and its agencies to observe the above-mentioned declaration;
3. *Decides* to adjourn the tenth emergency special session temporarily and to authorize the President of the General Assembly at its most recent session to resume its meeting upon request from Member States.



GULF COOPERATION COUNCIL, CLOSING STATEMENT, 22ND SESSION OF THE SUPREME COUNCIL, MUSCAT, 31 DECEMBER 2001 [EXCERPTS]

In response to the gracious invitation by His Majesty Sultan Qaboos bin Saeed, Sultan of Oman, the Supreme Council of the Cooperation Council for the Arab States of the Gulf (GCC) held its 22nd session in Muscat, Sultanate of Oman on 15-16 (Sunday and Monday) Shawwal 1422 AH corresponding to 30-31 December 2001 AD, under the Chairmanship of His Majesty Sultan Qaboos bin Saeed, Sultan of Oman [...]

The Supreme Council examined the dangerous escalation of situation in the West Bank and the Gaza Strip which is the result of the excesses committed by the Israeli Government through savage repression of the Palestinian people, and its persistence with the policy of closure and confinement, and infiltration into the territories of the Palestinian Authority, and reoccupation of Palestinian towns and the consequences and dangerous complications that follow such policies. In this context, the Council cautioned against the consequences of remaining silent at this extremely dangerous situation and its

⁴⁵ ¹/_{A/CONF.183/9.}

⁴⁶ ²/_{United Nations, Treaty Series, vol. 75, No. 973.}

bearing on the security and stability of the whole region, holding the Israeli government fully responsible for the sorry situation to which the Peace Process has been brought.

The Council asserted that the ongoing deterioration and the current wave of violence has its roots in the continuation of the Israeli occupation of the Palestinian territories, and violation of the values and principles adopted in the Madrid Conference and the agreements made between the two sides, and the irresponsible Israeli decision to sever contacts with the legitimate Palestinian Government, demonstrating that the Israeli Government is not serious about achieving a just and balanced peace, something that denudes it of its credibility in the peace process.

The Supreme Council affirms its complete support to the Palestinian Authority and its Chairman, His Excellency President Yasser Arafat and calls upon all sections of the Palestinian people to show solidarity with its leadership, supporting and backing its legitimate and elected leadership so that national unity of the Palestinian people is strengthened and all their rights are restored, including the right to determine their own destiny and the right to establish an independent Palestinian State on their national soil with the Holy Jerusalem as its capital.

While renewing its commitment to support the Palestinian people, the Supreme Council affirmed its complete readiness to play an effective role in contributing to the building of Palestinian institutions and infrastructure, and urged the world community to work towards achieving peace and security so that this assistance has positive impact on the development in the territories of the Palestinian Authority.

The Supreme Council reiterated that the just, lasting and comprehensive peace cannot be achieved except by: restoring all the legitimate rights of the Palestinian people; and establishment of the Palestinian state on its national soil with Holy Jerusalem as its capital, and complete Israeli withdrawal from the Syrian Golan Heights to the borderline existing on the 4th of June 1976; and complete withdrawal from the Palestinian territories to the internationally recognized borders, in accordance with UNSC resolutions 425 and 426; and the release of all Lebanese POWs and hostages in the Israeli prisons.

The Supreme Council denounced the policy of escalation being pursued by the Israeli Government and the policy of broadening the scope of violence to the neighbouring countries, which tends to push the region into the brink of an abyss and threatens its security and stability. The Council stressed upon the need to differentiate between legitimate struggle against military occupation and terrorism-condemnable in all its forms, irrespective of its justifications.

The Supreme Council expressed its deep appreciation for the efforts made by the Custodian of the Two Holy Mosques, King Fahd bin Abdul Aziz Al-Saud, King of Saudi Arabia and his brother Crown Prince, Abdullah bin Abdul Aziz al-Saud, First Deputy Prime Minister and Head of the National Guard in the Kingdom of Saudi Arabia for advocating the Arab position on the current issues and stressing on the need to agitate the prevailing stagnation in peace process as well as affirming the legitimate rights of the Palestinian people, including their right to establish an independent State on their national soil with Holy Jerusalem as its capital.

The Supreme Council welcomed the statement made by President George W. Bush in the United Nations in which he described his vision of a viable Palestinian State and putting an end to the Israeli occupation of the Palestinian territories in accordance with resolutions 242 and 338. The Council also welcomed the speech made by Secretary of State Colin Powell on the concept of the Palestinian state. This is because the Council is of the view that this extremely important development which strengthens the pillars of security and peace and leads to progress in all countries of the region. In order to actualize these realistic visions, the Supreme Council calls on the United States to devise a mechanism to implement those visions and concepts in line with the legitimate rights of the Palestinians. [...]



**POPE JOHN PAUL II, REMARKS ON THE MIDDLE EAST AND TERRORISM,
VATICAN CITY, 10 JANUARY 2002 [EXCERPTS]**

[The remarks were part of an address to ambassadors of the 172 countries accredited at the Vatican.]

Your Excellencies,
Ladies and Gentlemen,
[...]

3. Likewise, however, the light which has come from the stable in Bethlehem illuminates implacably the ambiguities and setbacks in our undertakings. As this year begins, we are sadly aware that humanity finds itself in a situation of violence, suffering, and sin. On Christmas night we were present in spirit at Bethlehem and were alas forced to note that the Holy Land, where the Redeemer was born, is still, through man's fault, a land of fire and blood. No one can remain indifferent to the injustice of which the Palestinian people have been victims for more than fifty years. No one can contest the right of the Israeli people to live in security. However, neither can anyone forget the innocent victims who, on both sides, fall day after day under the blows of violence. Weapons and bloody attacks will never be the right means for making a political statement to the other side. Nor is the logic of the law of retaliation capable any longer of leading to paths of peace.

As I have already stated on many occasions, only respect for others and their legitimate aspirations, the application of international law, the evacuation of the occupied territories, and an internationally guaranteed special status for the most holy places in Jerusalem can bring about a beginning of pacification in that part of the world and break the hellish cycle of hatred and vengeance. And I express the hope that the international community will be enabled to fulfil, through peaceful and appropriate means, its irreplaceable role and be accepted by all the parties in the conflict. One against the other, neither Israelis nor Palestinians can win the war, but together they can win peace.

The legitimate fight against terrorism, of which the abhorrent attacks of last September 11 are the most appalling expression, has once again let the sound of arms be heard. Barbarous aggression and killings raise not only the question of legitimate defence but also issues such as the most effective means of eradicating terrorism, the search for the factors underlying such acts, and the measures to be taken to bring about a process of "healing" in order to overcome fear and to avoid evil being added to evil, violence to violence. It is appropriate, therefore, to encourage the new government installed in Kabul in its efforts to achieve the effective pacification of all Afghanistan. Finally, I must mention the tensions which have once more set India and Pakistan at odds, in order earnestly to request the political leaders of these great nations to give absolute priority to dialogue and negotiation.

We also need to heed the question which comes to us from the depths of this abyss: that of the place and the use made of religion in the lives of people and societies. Here I wish to say once again, before the whole international community, that killing in the name of God is an act of blasphemy and a perversion of religion. This morning I wish to repeat what I wrote in my Message for January 1: "It is a profanation of religion to declare oneself a terrorist in the name of God, to do violence to others in his name. Terrorist violence is a contradiction of faith in God, the Creator of man, who cares for man and loves him" (No. 7). [...]



SPIER THREE PARTY COMMUNIQUE, CAPE TOWN, 11 JANUARY 2002

Palestinian and Israeli delegations met in Cape Town, January 9-11, 2002 at the invitation of President Mbeki of South Africa, in order to have a frank exchange of views and to discuss the South African experience.

For over a year, the ongoing violence and the resulting human suffering in our region have eroded support for peace to alarming low levels. This makes dialogue and understanding the other's perspective more urgent than ever.

The South African Experience

Certain important points were raised from the South African experience that the parties thought were relevant for the Middle East including:

1. The conflict cannot be resolved through violence and military means and that the only guarantee for stability and security is peace.
2. The maintenance of effective channels of communications at all times and under all circumstances is a vital requirement.
3. The legitimate representative of each side is a partner, and the peace camps need to strengthen and mutually empower each other.
4. There is a need to take into consideration the fears and concerns of the other side and to engage seriously with them.
5. Negotiations should not be approached from the perspective of a winner or loser. It is in each party's self-interest that its interlocutor is satisfied by any agreement reached.
6. The process should at no point be held hostage to extremists or their actions.

Principles of Peace

The delegations discussed the situation in the region and reiterated the need to immediately end all forms of violence between the two peoples and resume negotiations. They emphasized that the return to negotiations should be unconditional and that the setting of prior conditions has prevented negotiations for a year, which has only served to escalate violence and raises suspicion that such conditions are designed to avoid negotiations. They stressed the way forward can only be through the implementation of the Mitchell Recommendations and tenet plan, in particular, a complete freeze of settlement activities. The sides remain committed to carrying out all their obligations emanating from the Mitchell report and the Tenet Plan.

As a morale imperative, occupation corrupts the occupier and oppresses the occupied. Accordingly, an end to the conflict can only be realized through permanent status negotiations that will lead to a two-state solution based on June 4th 1967 borders, through the implementation of USCR 242 and 338, with their respective capitals in Jerusalem, and a just solution to the refugee problem.

We envisage a new era of relations between Israel and Palestine based on mutual interests, respect recognition, security and good neighborly relations.

Our Objectives:

The delegations are committed to:

1. Building a shared vision for peace and the future relations between the two people in time of peace.
2. Preserving and developing prior achievements in particular those made in Camp-David, subsequent negotiations, the Clinton plan and Taba.
3. Conducting joint action to strengthen the peace constituencies in both communities.
4. Strengthening consultation, coordination, and cooperation in response to unfolding events.
5. Continue to study the lessons of the South African experience and ways in which it may help advance the peace process.
6. The three parties are committed to continuing their efforts and will announce in the near future steps to be taken to enhance this process.

The participants of the Spier meeting, welcome the initiative taken by President Mbeki and would appreciate continued South African efforts in seeking ways to help the parties in their quest for peace in the Middle East.



**DECLARATION OF RELIGIOUS LEADERS ON THE HOLY LAND
("ALEXANDRIA DECLARATION"), FIRST MIDDLE EAST INTERFAITH SUMMIT,
ALEXANDRIA, 21 JANUARY 2002**

*[The declaration was signed by Jewish, Muslim and Christian leaders
during a two-day conference in Alexandria.]*

In the name of God who is Almighty, Merciful and Compassionate, we, who have gathered as religious leaders from the Muslim, Christian and Jewish communities, pray for true peace in Jerusalem and the Holy Land, and declare our commitment to ending the violence and bloodshed that denies the right of life and dignity.

According to our faith traditions, killing innocents in the name of God is a desecration of His Holy Name, and defames religion in the world. The violence in the Holy Land is an evil, which must be opposed by all people of good faith. We seek to live together as neighbors respecting the integrity of each other's historical and religious inheritance. We call upon all to oppose incitement, hatred and misrepresentation of the other

1. The Holy Land is holy to all three of our faiths. Therefore, followers of the divine religions must respect its sanctity, and bloodshed must not be allowed to pollute it. The sanctity and integrity of the holy places must be preserved, and freedom of religious worship must be ensured for all.
2. Palestinians and Israelis must respect the divinely ordained purposes of the Creator by whose grace they live in the same land that is called holy.
3. We call on the political leaders of both peoples to work for a just, secure and durable solution in the spirit of the words of the Almighty and the Prophets.
4. As a first step now, we call for a religiously sanctioned cease-fire, respected and observed on all sides, and for the implementation of the Mitchell and Tenet recommendations, including the lifting of restrictions and return to negotiations.
5. We seek to help create an atmosphere where present and future generations will co-exist with mutual respect and trust in the other. We call on all to refrain from incitement and demonization, and to educate our future generations accordingly.
6. As religious leaders, we pledge ourselves to continue a joint quest for a just peace that leads to reconciliation in Jerusalem and the Holy Land, for the common good of all our peoples.
7. We announce the establishment of a permanent joint committee to carry out the recommendations of this declaration, and to engage with our respective political leadership accordingly.

Signatories included:

His Grace the Archbishop of Canterbury Dr. George Carey

Sephardi Chief Rabbi Eliahu Bakshi-Doron

Deputy Foreign Minister Rabbi Michael Melchior

President of the World Conference on Religion and Peace Rabbi David Rosen

Minister of State for the Palestinian Authority Sheikh Tal El Sider, signed on behalf of the Palestinian delegation

Representative of the Greek Patriarch Archbishop Aristichos

Melkite Archbishop, Archbishop Boutrous Mu'alem



**ISRAELI COMBAT RESERVISTS, PETITION AGAINST SERVING IN
THE OCCUPIED TERRITORIES, 25 JANUARY 2002**

[The petition, originally signed by 52 Israeli army reservists, was first published as an ad in Ha'aretz on 25 Jan; by early March, already over 300 reservists had signed on.]

We, being officers and soldiers in the combat reserves of the Israel Defense Force, having been brought up on Zionism, self-sacrifice, and contribution to the Israeli people and the State of Israel, having always served on the frontline, having always been the first to carry out any mission, easy or difficult, to defend and buttress the State of Israel;

We, combat officers and soldiers who serve the State of Israel for many weeks each year, regardless of the heavy personal cost, have rendered reserve service throughout the occupied territories and received orders and instructions that had nothing to do with the security of the state and that had the sole purpose of perpetuating our domination of the Palestinian people;

We, having witnessed with our own eyes the bloody toll that the occupation takes on both sides of the divide;

We, who have sensed how the orders we received erode every value we have absorbed while growing up in this country;

We, who understand today that the price of occupation is the loss of the humane image of the IDF and corruption of the entire Israeli society;

We, who know that the territories are not Israel and that the Jewish settlements there will ultimately have to be evacuated;

We hereby declare that we will no longer fight in the war for the welfare of the settlements in the territories. We will not continue to fight beyond the 1967 borders for the purpose of dominating, expelling, starving, and humiliating an entire people.

We hereby declare that we will continue to serve in the Israel Defense Force in any mission that serves Israel's defense. The mission of occupation and oppression does not serve that aim - and we shall take no part in it.



**PRESIDENT YASSER ARAFAT, "THE PALESTINIAN VISION OF PEACE,"
3 FEBRUARY 2002**

[Arafat's statement was published as an op-ed in the New York Times on 3 February.]

For the past sixteen months, Israelis and Palestinians have been locked in a catastrophic cycle of violence, a cycle which only promises more bloodshed and fear. The cycle has led many to conclude that peace is impossible, a myth borne out of ignorance of the Palestinian position. Now is the time for the Palestinians to state clearly, and for the world to hear clearly, the Palestinian vision.

But first, let me be very clear. I condemn the attacks carried out by terrorist groups against Israeli civilians. These groups do not represent the Palestinian people or their legitimate aspirations for freedom. They are terrorist organizations, and I am determined to put an end to their activities.

The Palestinian vision of peace is an independent and viable Palestinian state on the territories occupied by Israel in 1967, living as an equal neighbor alongside Israel with peace and security for both the Israeli and Palestinian peoples. In 1988, the Palestine National Council adopted a historic resolution calling for the implementation of applicable United Nations resolutions, particularly, Resolutions 242 and 338. The Palestinians recognized Israel's right to exist on 78 percent of historical Palestine

with the understanding that we would be allowed to live in freedom on the remaining 22 percent, which has been under Israeli occupation since 1967. Our commitment to that two state solution remains unchanged, but unfortunately, also remains unreciprocated.

We seek true independence and full sovereignty: the right to control our own airspace, water resources, and borders; to develop our own economy, to have normal commercial relations with our neighbors, and to travel freely. In short, we seek only what the free world now enjoys and only what Israel insists on for itself: the right to control our own destiny and to take our place among free nations.

In addition, we seek a fair and just solution to the plight of Palestinian refugees who for fifty four years have not been permitted to return to their homes. We understand Israel's demographic concerns and understand that the right of return of Palestinian refugees, a right guaranteed under international law and United Nations Resolution 194, must be implemented in a way that takes into account such concerns. However, just as we Palestinians must be realistic with respect to Israel's demographic desires, Israelis too must be realistic in understanding that there can be no solution to the Israeli Palestinian conflict if the legitimate rights of these innocent civilians continue to be ignored. Left unresolved, the refugee issue has the potential to undermine any permanent peace agreement between Palestinians and Israelis. How is a Palestinian refugee to understand that his or her right of return will not be honored but those of Kosovar Albanians, Afghans, and East Timorese have been?

There are those who claim that I am not a partner in peace. In response, I say Israel's peace partner is, and always has been, the Palestinian people. Peace is not a signed agreement between individuals - it is reconciliation between peoples. Two peoples cannot reconcile when one demands control over the other, when one refuses to treat the other as a partner in peace, when one uses the logic of power rather than the power of logic. Israel has yet to understand that it cannot have peace while denying justice. As long as the occupation of Palestinian lands continues, as long as Palestinians are denied freedom, then the path to the "peace of the brave" that I embarked upon with my late partner Yitzhak Rabin will be littered with obstacles.

The Palestinian people have been denied their freedom for far too long and are the only people in the world still living under foreign occupation. How is it possible that the entire world can tolerate this oppression, discrimination and humiliation? The 1993 Oslo Accord, signed on the White House lawn, promised the Palestinians freedom by May 1999. Instead, since 1993, the Palestinian people have endured a doubling of Israeli settlers, expansion of illegal Israeli settlements on Palestinian land, and increased restrictions on freedom of movement. How do I convince my people that Israel is serious about peace while over the past decade Israel intensified the colonization of Palestinian land from which it was ostensibly negotiating a withdrawal?

But no degree of oppression and no level of desperation can ever justify the killing of innocent civilians. I condemn terrorism. I condemn the killing of innocent civilians, whether they are Israeli, American, or Palestinian; whether they are killed by Palestinian extremists, Israeli settlers, or by the Israeli government. But condemnations do not stop terrorism. To stop terrorism, we must understand that terrorism is simply the symptom, not the disease.

The personal attacks on me currently in vogue may be highly effective in giving Israelis an excuse to ignore their own role in creating the current situation. But these attacks do little to move the peace process forward and, in fact, are not designed to. Many believe that Ariel Sharon, Israel's prime minister, given his opposition to every peace treaty Israel has ever signed, is fanning the flames of unrest in an effort to delay indefinitely a return to negotiations. Regrettably, he has done little to prove them wrong. Israeli government practices of settlement construction, home demolitions, political assassinations, closures, and shameful silence in the face of Israeli settler violence and other daily humiliations are clearly not aimed at calming the situation.

The Palestinians have a vision of peace: it is a peace based on the complete end of the occupation and a return to Israel's 1967 borders, the sharing of all Jerusalem as one open city and as the capital of two

states, Palestine and Israel. It is a warm peace between two equals enjoying mutually beneficial economic and social cooperation. Despite the brutal repression of Palestinians over the last four decades, I believe when Israel sees Palestinians as equals, and not as a subjugated people upon whom it can impose its will, such a vision can come true. Indeed it must.

Palestinians are ready to end the conflict. We are ready to sit down now with any Israeli leader, regardless of his history, to negotiate freedom for the Palestinians, a complete end of the occupation, security for Israel, and creative solutions to the plight of the refugees while respecting Israel's demographic concerns. But we will only sit down as equals, not as supplicants; as partners, not as subjects; as seekers of a just and peaceful solution, not as a defeated nation grateful for whatever scraps are thrown our way. For despite Israel's overwhelming military advantage, we possess something even greater: the power of justice.



NON-PAPER ON THE REVIVAL OF A DYNAMICS OF PEACE IN THE MIDDLE-EAST, ("FRENCH INITIATIVE"), FEBRUARY 2002

[Text of the initiative for Palestinian elections and the declaration of a Palestinian state as a catalyst for the peace process, as reproduced by bitterlemons.org from Israeli and Palestinian sources.]

It is worth considering two new ideas to break the political deadlock and re-establish a real dynamic for peace in the Middle East.

1. The organization of elections in the Palestinian territories based on the theme of peace.

OBJECTIVES:

- To support the Palestinian Authority's popular legitimacy in its efforts to crack down on the extremist movements.
 - To confirm that a large majority of Palestinians subscribe to the principles underlying the peace process.
 - To reinstall in the Israelis the feeling that the other camp is in the main in favour of peace and has appointed institutions to restart the negotiations.
2. The recognition of the Palestinian state as a starting point (and no longer the finishing point) of a negotiating process.

OBJECTIVES:

- To trigger the psychological effect that could justify ending the Intifada.
- To renew Palestinian society's commitment to its project to build a state.
- To establish a symmetrical framework of mutual obligations between the two states.

THESE TWO PROPOSALS ARE HIGHLY COMPLEMENTARY. THEY CALL FOR A PLAN TO BE IMPLEMENTED THAT COMBINES BOTH IDEAS.

- Holding elections without the promise of the recognition of their state would not be enough of a political prospect for the Palestinians.
- The Israelis would not accept the ex-ante recognition of the Palestinian state without a clear commitment from the institutions created by the elections to continue to seek a settlement by peaceful means.

HOW ARE THESE TWO PROPOSALS TO BE IMPLEMENTED?

1. There are number of possibilities for the elections:

- General elections (legislative and municipal) possibly combined with the election of the Palestinian Authority (or state) to the presidency.
 - Election of a legislative council with constituent powers. Such a council would define the procedures for the subsequent election of the future state's president once the state is proclaimed/recognized.
 - Such elections would call for the Israeli army's prior withdrawal back to its pre-September 2000 positions and the lifting of closures.
2. Should unquestionable elections be held, the Palestinian state would immediately be recognised by Israel and admitted into the United Nations.
To give the Palestinian state a viable working basis from the outset, Israel would have to commit to implementing within a set time period (a few weeks), the third redeployment provided for by the Wye River Memorandum of October 1988 and commit to resuming negotiations on safe corridors between Gaza Strip and the West Bank.
The Palestinian state would have to commit to adopting, within a similar period of time, a constitution guaranteeing its democratic nature.
3. At the same time, the two parties would have to adopt a declaration of non-belligerency subject to international guarantees (or supervision). Both parties would commit to resuming negotiations immediately following the accomplishment of the above steps. These negotiations would be held on the basis of the relevant resolutions (242 and 338) with a view to reaching a final settlement, within a time period to be agreed, on the permanent status issues of territory, Jerusalem, refugees, security and the sharing of water resources.
4. An international mechanism would be responsible for ensuring the implementation of the commitments made.



UN SECURITY COUNCIL, RESOLUTION 1397, 12 MARCH 2002

[Resolution drafted by the US, "affirming a vision" of a Palestinian state and demanding the immediate cessation of all Middle East violence. It was adopted by a 14-0 vote, with Syria abstaining.]

The Security Council,

Recalling all its previous relevant resolutions, in particular resolutions 242 (1967) and 338 (1973),
Affirming a vision of a region where two states, Israel and Palestine, live side by side within secure and recognized borders,

Expressing its grave concern at the continuation of the tragic and violent events that have taken place since September 2000, especially the recent attacks and the increased number of casualties,

Stressing the need for all concerned to ensure the safety of civilians,

Stressing also the need to respect the universally accepted norms of international humanitarian law,

Welcoming and encouraging the diplomatic efforts of special envoys from the United States, the Russian Federation, the European Union, the United Nations special coordinator, and others, to bring about a comprehensive, just and lasting peace in the Middle East,

Welcoming the contribution of Saudi Crown Prince Abdullah,

1. Demands immediate cessation of all acts of violence, including all forms of terror, provocation, incitement and destruction;
2. Calls upon the Israeli and Palestinian sides and their leaders to cooperate in the implementation of the Tenet work plan and Mitchell Report recommendations with the aim of resuming negotiations on a political settlement;
3. Expresses support for the efforts of the secretary-general and others to assist the parties to halt the violence and to resume the peace process;
4. Decides to remain seized of the matter. (Reuters)



**UN SECRETARY GENERAL KOFI ANNAN, LETTER TO
ISRAELI PRIME MINISTER ARIEL SHARON, 12 MARCH 2002**

[The same day, Annan also delivered a tough statement to the UNSC in which he directly addressed Israel ("You must end the illegal occupation"). The New York Times published the letter on 19 March, and the Israeli Mission to the UN issued a sharp rebuke, deploring the breach of "basic diplomatic conduct" and the "tactic of using the media for selective criticism."]

I have followed the escalation of violence in Israel and the occupied Palestinian territory over the past week with increasing distress. I believe that the latest round of violence - and the scores of tragic and meaningless deaths that have resulted from it - have confirmed that the only path to security, for Israelis and Palestinians alike, is the resumption of negotiations toward a durable peace settlement. Any other response to the events of recent days is sure to elicit only further pain and further bitterness.

In this connection, I feel obliged to call your attention to disturbing patterns in the treatment of civilians and humanitarian relief workers by the Israeli Defense Forces ... Judging from the means and methods employed by the IDF - F-16 fighter bombers, helicopter and naval gunships, missiles and bombs of heavy tonnage - the fighting has come to resemble all-out conventional warfare.

In the process, hundreds of innocent noncombatant civilians - men, women and children - have been injured or killed, and many buildings and homes have been damaged or destroyed. Tanks have been deployed in densely populated refugee camps and in towns and villages; and heavy explosives have been dropped mere meters from schools where thousands of children were in attendance, and have even caused severe damage to a school for the blind.

I am especially dismayed by the IDF's failure to protect and respect ambulances and medical personnel. In recent days, several medical relief workers were killed when Israeli soldiers fired on clearly marked ambulances, including Mr. Kamal Hamdan, an UNRWA (United Nations Relief and Works Agency) staff member. In addition, Israeli forces repeatedly declined to grant medical personnel access to conflict areas to treat and evacuate the wounded, despite formal protests from UNRWA and the International Committee of the Red Cross.

I am also troubled by the repeated and, to the best of my knowledge, unfounded and unsubstantiated allegations by Israeli government spokespersons that ambulances have been used to smuggle Palestinian militants and weapons. These allegations can only result in further damage to medical workers and further impede their vital mission.

Israel is fully entitled to defend itself against terror. But this right does not discharge it of its obligation to respect the fundamental principles and rules of international humanitarian law and the law of armed conflict with respect to the treatment and protection of civilians in occupied territories, the protection to be accorded facilities such as hospitals, schools, and the Red Crescent emblem, and proportionality in the means and methods of warfare. As I am sure you will agree, these rules are to the benefit of all concerned and warrant scrupulous compliance.

It is incumbent on all parties to take urgent steps to de-escalate the level of violence. Israel should contribute to this effort by ensuring that the IDF uses only weapons and methods that minimize the danger to the lives and property of Palestinian civilians, in conformity with its humanitarian obligations and as recommended by the Sharm el Sheik Fact-Finding Committee almost a year ago.

I also request that you initiate a full investigation into the incidents last week involving IDF fire at ambulances and medical personnel, and that you take immediate steps to ensure that they are not repeated in the future.



**EUROPEAN COUNCIL, DECLARATION ON THE MIDDLE EAST,
BARCELONA, 15 AND 16 MARCH 2002**

1. The Middle East is in the grip of an extremely grave crisis. The European Union calls on both sides to take immediate and effective action to stop the bloodshed. There is no military solution to this conflict. Peace and security can only be achieved through negotiations.
2. To find a way out of the present situation it is essential to address the security, political and economic aspects as inseparable and interdependent elements of a single process. There is a need to restore a sound political perspective and to implement in parallel political and security measures in a mutually reinforcing way. The European Council warmly welcomes the adoption of United Nations Security Council resolution 1397 (2002), which reflects the strong commitment of the international community in this regard.
3. This resolution must be urgently implemented, in particular the demand for an immediate cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction; and the call for the Israeli and Palestinian sides and their leaders to cooperate in the implementation of the Tenet work plan and Mitchell report recommendations with the aim of resuming negotiations on a political settlement.
4. The indiscriminate terrorist attacks over the past weeks, killing and injuring innocent civilians, must be condemned. As the legitimate authority, the Palestinian Authority bears the full responsibility for fighting terrorism with all the legitimate means at its disposal. Its capacity to do so must not be weakened. Israel, notwithstanding its right to fight terrorism, must immediately withdraw its military forces from areas placed under the control of the Palestinian Authority, stop extrajudicial executions, lift the closures and restrictions, freeze settlements and respect international law. Both parties must respect international human rights standards. The use of excessive force cannot be justified. The actions against medical and humanitarian institutions and personnel are absolutely unacceptable. They must be able to fully perform their function.
5. Taking note of the decision by the Government of Israel to release Palestinian Authority President Arafat from his confinement in Ramallah, the European Council demands that all remaining restrictions on his freedom of movement be immediately lifted.
6. The European Council welcomes the decision of the United States President to send Special Envoy Zinni back to the region. The European Union, notably through its Special Representative, Ambassador Moratinos is ready to combine its efforts with his, and with those of the Special Envoy of the Russian Federation and the United Nations Special Coordinator.
7. The European Council remains convinced that a third-party monitoring mechanism would help both parties to pursue their efforts to that end and urges them to consider proposals to accept observers. The European Union and the member States are prepared to participate in such a mechanism.
8. The European Union is determined to play its role together with the parties, the countries in the region, the United States, the United Nations and Russia in the pursuit of a solution, on the basis of Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002) and the principles of the Madrid Conference, Oslo and subsequent agreements, which would allow two States, Israel and Palestine, to live in peace and security and play their full part in the region. The High Representative, Javier Solana, will continue his regular consultations with all international actors involved.
9. On the Israeli-Palestinian conflict, the overall objective is two-fold: the creation of a democratic, viable and independent State of Palestine, bringing to an end the occupation of 1967, and the right of Israel to live within safe and secure boundaries, guaranteed by the commitment of the international community, and in particular the Arab countries.
10. The European Council welcomes the recent initiative of Crown Prince Abdullah of Saudi Arabia, which is based on the concept of full normalization and full withdrawal in accordance with United Nations resolutions, and offers a unique opportunity to be seized in the interest of a just, lasting and comprehensive solution to the Arab-Israeli conflict. It looks to the forthcoming summit of the Arab League in Beirut to take this forward and to the Government and people of Israel to respond positively.
11. The European Council recognizes and praises those who continue to work tirelessly for peace within the peace camps of Israeli and Palestinian society and supports the direct contacts and dialogue that both parties are conducting.

12. Following on its present effort, the European Union will make a full and substantial economic contribution to peace-building in the region, with the aim of improving the living conditions of the Palestinian people, of consolidating and supporting the Palestinian Authority, of strengthening the economic basis of the future State of Palestine and of promoting development and regional economic integration. In this perspective, the European Union stands ready to contribute to the reconstruction of the Palestinian economy as an integral part of regional development.
13. The European Union remains convinced that, in order to be durable, peace in the Middle East must be comprehensive.



SECOND US "JOINT GOALS" PROPOSAL (THE "ZINNI PAPER"), 26 MARCH 2002

[Text of a ceasefire plan presented to Israeli and Palestinian negotiators on 26 March 2002 by US special envoy, Anthony Zinni, with the aim to provide a mechanism for implementing an earlier ceasefire plan put forward by CIA director George Tenet and agreed by both sides in June 2001. Zinni presented his first draft on 25 March, followed a day later by this second draft described as "a bridging proposal" which, according to Palestinian officials deviates from the Tenet plan "in a manner that positively reflects Israeli interests". Israel said it would not allow Pres. Arafat to attend an Arab summit in Beirut on March 27-28 unless he signed the document. He refused to do so. One of the main Palestinian objections was that the document provided no guarantee that a ceasefire would be followed by peace talks or implementation of the Mitchell Plan.]

STEP ONE

- 1. Phase 1 - Immediate - 48 hours

GOI (Government Of Israel) and PA (Palestinian Authority) leaders make public declarations of cease-fire to their respective populations.

GOI commits to cease "proactive" operations in areas under the control of the PA, including attacks on PA Ra'is Facilities; and headquarters of Palestinian Security, Intelligence, and Police Organizations; or prisons in the West Bank and Gaza Strip unless responding in self-defense to an imminent terrorist attack.

PA issues clear orders to field commanders to take action to prevent terrorism or violent attacks, arrest persons involved in ongoing terrorist activities, ceases PA security forces involvement in inciting aiding, abetting attacks against all Israeli targets. PA and GOI issue clear orders to their field commanders and take other measures necessary to prevent individuals and groups from using areas under their respective control to carry out acts of violence.

GOI, acting on information made known to the Trilateral Security Committee, takes action against Israeli citizens inciting, carrying out, or planning to carry out violence against Palestinians, with progress reports to the Security Committee.

GOI and PA resume security cooperation through reinvigoration of DCOs based on the standards existing before September 28, 2000. GOI and PA share information on terrorists' threats directly and through the Trilateral Security Committee followed by immediate actions and reporting of results to the Security Committee. IDF adopts measures to reduce lethality of rules of engagement.

GOI and PA allow secure movement of security personnel within Gaza and WB, in accordance with existing agreements.

PA makes public commitment to prevent smuggling, production, acquisition of illegal weapons, prepares plan for collecting weapons, preventing smuggling, and closing factories and arresting those involved.

IDF carries out demonstrable redeployment (locations to be notified to the Trilateral Security Committee).

GOI takes demonstrable action to lift closures (locations to be notified to the Trilateral Security Committee).

PA assumes security responsibility where it has jurisdiction at locations where GOI eases security restrictions. GOI takes measures to facilitate the transfer of these responsibilities.

STEP TWO

- 2. 48 Hours - End of Phase 1 - Trilateral Security Committee Meeting to Assess Progress (Phase 2: 48 Hours - 1 Week)

PA acts decisively to prevent attacks, enforce cease-fire, including arrest of activists in breach of cease-fire, action against those who incite, aid and abet such activities.

GOI and PA act to prevent incitement to violence among their respective populations.

GOI and PA allow secure movement of security personnel within and between Gaza and WB, in accordance with existing agreements.

GOI completes withdrawal from Area A, continues removal of internal closures and redeployment according to agreed schedule, including removal of permanent roadblocks in Gaza, supervised entry of vehicles at Mawasi area, removal of IDF positions from Palestinian houses, continues removal of other checkpoints and earth barriers, further redeployment of armored vehicles.

PA continues to assume security responsibility at locations where GOI eases security restrictions. GOI continues to take measures to facilitate the transfer of these responsibilities.

Trilateral committee identifies “flashpoints,” each side designates senior security personnel responsible for them, develops JSOP for each.

PA presents comprehensive plan for collection of illegal weapons as defined in existing agreements including the Israel-Palestinian Interim Agreement, Annex I, articles IV and XI. PA begins actions in concert with GOI to prevent smuggling of illegal weapons. PA takes demonstrable action against weapons and mortar factories, based on PA information and information developed in conjunction with the GOI. Each side informs the security committee of the status and success of these efforts.

GOI takes specified actions to ease economic restrictions and movement of Palestinian civilians, as detailed in Israeli proposal, p. 6.

GOI identifies Palestinian prisoners, including PA security personnel, arrested in security sweeps and not involved in terrorist activities. Begins releasing prisoners in this category.

Trilateral Security Committee using information provided by the parties, identifies activists involved in planning or carrying out terrorist activities. PA takes demonstrable actions to arrest individuals on this list.

GOI re-institutes military police investigations into Palestinian deaths resulting from IDF actions in the West Bank and the Gaza Strip in incidents not involving terrorism.

STEP THREE

- 3. 1 Week - End of Phase 2 - Trilateral Security Meeting to Assess Progress - Phase 3 - 1 Week - 4 Weeks (plus or minus) (Further Trilateral Security Meetings will be held to assess interim progress during the course of Phase 3)

Pursuant to agreed schedule, GOI completes redeployment and lifting of all internal closures to 28 September 2000 positions including reopening of internal roads, the Allenby bridge, Gaza Airport, Port of Gaza, and border crossings.

GOI further eases specified civilian restrictions, as detailed in Israeli proposal, p.7.

PA arrests terrorist activists from names made known to the trilateral security committee and provides the committee the names of those arrested, as soon as they are apprehended, as well as summary of actions taken.

PA takes credible and sustained judicial action (“due process”) against arrested individuals for the purpose of further investigation and prosecution and punishment of all persons involved in acts of violence and terror.

PA continues to undertake preemptive operations against terrorism, continues implementation of illegal weapons collection plan, and transfer of collected weapons to a third party, continues actions to prevent smuggling. Measures include taking demonstrable action against weapons factories, laboratories, safe-houses, and arms depots at locations identified by the trilateral security committee, arrests and prosecutes individuals connected with these locations and other actions against the support structure of terrorism, including the financing of terrorist activities and mechanisms for inciting terror.

- 4. 4 Weeks (plus or minus) - End of Phase 3 - Trilateral Security Committee Meets to Assess Progress and Decide on Transition to Next Steps

ENDS



PALESTINIAN COMMENTS ON THE SECOND US “JOINT GOALS”, 26 MARCH 2002

I. SUMMARY OF SECOND US PROPOSAL

The second US Proposal has not addressed any of the substantive issues raised by the Palestinian side, except for military investigations as required by Tenet. The second US proposal has been changed to positively reflect Israeli interests.

The six primary Palestinian concerns were ignored in the Second US Proposal:

1. The link to Mitchell.

The only addition to the US’ first proposal which could be relevant to linking Tenet with Mitchell is the very last sentence of the plan which calls on the “Trilateral Security Committee [to] meet and assess progress and decide on transition to next steps.” This language gives the Trilateral Security Committee the authority to decide when and if the Mitchell Report will be implemented.

2. The need for a schedule for redeployment and lifting of the closure.

The Second Proposal references an “agreed schedule” in Phases 2 and 3, but, in contradiction with Tenet, never explains when the schedules are to be developed. This is in contrast to specific calls for Palestinian plans to be submitted in Phase 1, also in contradiction with Tenet.

3. The need to remove conditionality in moving from one phase to another.

The Second Proposal has not changed any language in this regard, despite statements by Americans at the Tuesday meeting.

4. The total time for implementation is still not specified.

The Second Proposal still calls for a 4-weeks (plus or minus) timetable.

5. The necessity for a monitoring and verification mission.

Despite statements made by General Zinni at Tuesday’s meeting that the United States has a monitoring plan and expects monitors and verifiers to be deployed “immediately” in order to watch over implementation of this plan, there is still no mention of monitors and verifiers in the Second Proposal.

6. Mutual obligations, such as weapons collection, are still unilateral Palestinian obligations.

In contradiction to the Tenet Plan, the Second Proposal still requires the PA to submit “comprehensive” plans to the Trilateral Security Committee on the collection of illegal weapons. Furthermore, it continues to ignore that fact that according to Tenet, the location and confiscation of illegal weapons is a mutual obligation.

7. Terrorist lists.

The PA is still being asked to arrest terrorists based on lists to be “made known” or “provided” to the Trilateral Security Committee. The change in language from the first proposal actually brings the plan closer to the Israeli requests.

[In the following, “Prop 1” refers to the original US proposal presented on March 25, 2002. “Prop 2” refers to the second US proposal presented on March 26, 2002. The boxed comments reflect Palestinian analysis.]

II. SPECIFIC COMMENTS

1. Phase 1 – Immediate – 48 hours

Prop 1: GOI and PA issue public declarations of cease-fire.

Prop 2: GOI and PA leaders make public declarations of cease-fire to their respective populations.

No Comment

Prop 1: GOI commits to cease “proactive” operations in areas under the control of the PA, including attacks on PA security forces or institutions.

Prop 2: GOI commits to cease “proactive” operations in areas under the control of the PA, including attacks on PA Ra’is Facilities; and headquarters of Palestinian Security, Intelligence, and Police Organizations; or prisons in the West Bank and Gaza Strip unless responding in self-defense to an imminent terrorist attack.

The Tenet Workplan specifically calls on Israel to “not conduct ‘proactive’ security operations in areas under the control of the PA or attacks against innocent civilian targets. The Proposal drops the restriction on attacks against civilians.

According to the current language, Israel can attack these facilities in pro-active self-defense, although it is impossible to imagine a scenario in which bombing a prison or the President’s compound would be “self-defense.” This is an absolute violation of the Tenet Workplan. Moreover, according to the Tenet Workplan, attacks of any kind are prohibited. This, in effect, justifies all the so-called “retaliatory” attacks the Israelis have conducted so far.

Prop 1: PA issues clear orders to field commanders to take action to prevent terrorism or violent attacks, ceases PA security forces involvement in inciting aiding, abetting attacks against all Israeli targets.

Prop 2: PA issues clear orders to field commanders to take action to prevent terrorism or violent attacks, arrest persons involved in ongoing terrorist activities, ceases PA security forces involvement in inciting aiding, abetting attacks against all Israeli targets. PA and GOI issue clear orders to their field commanders and take other measures necessary to prevent individuals and groups from using areas under their respective control to carry out acts of violence.

The Proposal merges two Tenet elements into one. The first Tenet element requires the PA to “stop any Palestinian security officials from inciting, aiding, abetting, or conducting attacks against Israeli targets...” whereas the second requires both the PA and Israel to “move aggressively to prevent individuals and groups from using areas under their respective control to carry out acts of violence.”

The Proposal uses unconditional language requiring the PA “to cease” activities, whereas the Israelis in the previous requirement are only asked to “commit to cease.” In other words, the PA is placed under a higher and more immediate burden than is Israel.

The Proposal never specifically defines “terrorism,” although the term is defined in the Mitchell Report from which most of the Tenet elements are drawn. In light of Israel’s very expansive use of the term to include even children with slingshots, it is prudent that it be stated that “terrorism” and other terms from the Mitchell Report will be defined through Mitchell.

Prop. 1: GOI takes action against Israeli citizens inciting, carrying out, or planning to carry out violence against Palestinians.

Prop. 2: GOI, acting on information made known to the Trilateral Security Committee, takes action against Israeli citizens inciting, carrying out, or planning to carry out violence against Palestinians, with progress reports to the Security Committee.

This requires Israel to only act when the Palestinian provide information to the Committee. If Palestinians do not provide such information, Israel is under no obligation to stop violence against Palestinians.

Prop. 1: GOI and PA resume security cooperation through reinvigoration of DCOs, sharing of threat information directly and through trilateral security committee.

Prop. 2: GOI and PA resume security cooperation through reinvigoration of DCOs based on the standards existing before September 28, 2000. GOI and PA share information on terrorists’ threats directly and through the Trilateral Security Committee followed by immediate actions and reporting of results to the Security Committee.

This is a merging of two Tenet elements. The first relates to the reinvigoration of DCOs and the second relates to the sharing of threat information.

The Tenet Workplan further requires the removal “of barriers to effective cooperation...” which is not mentioned in the Proposal.

The second sentence was added based on Palestinian recommendation. However the third recommended Palestinian sentence was excluded which required “legitimate threat information to be acted upon immediately by the party in whose security jurisdiction the terrorists are located.”

Prop 1: IDF adopts measures to reduce lethality of rules of engagement.

Prop 2: No change.

No comment.

Prop 1: GOI and PA allow free movement of security personnel within Gaza and WB.

Prop 2: GOI and PA allow secure movement of security personnel within Gaza and WB, in accordance with existing agreements.

Prop 1: PA makes public commitment to prevent smuggling, production, acquisition of illegal weapons, prepares plan for collecting weapons, preventing smuggling, and closing factories and arresting those involved.

Prop 2: No change

The Proposal requires the PA to make a “public commitment” and to prepare a “plan” for collecting weapons, preventing smuggling, etc. These two requirements are not found anywhere in the Tenet

Workplan. However, the PA is willing to publicly reaffirm its commitments in previously assigned agreements regarding the collection of illegal weapons.

The Tenet Workplan makes it clear that the above measures are a mutual requirement rather than a unilateral Palestinian requirement. The Proposal turns it into a unilateral Palestinian requirement. There is a separate Tenet clause which requires the PA to “undertake preemptive operations against terrorists, terrorist safe houses, arms depots, and mortar factories.”

Prop 1: IDF redeploys from agreed locations (phase 1 schedule to be agreed determined by the Trilateral Security Committee).

Prop 2: IDF carries out demonstrable redeployment (locations to be notified to the Trilateral Security Committee).

The Tenet Workplan requires two steps from the Israelis in regards to redeployment.

The first is that a schedule be agreed upon for a “complete redeployment of IDF forces to positions held before 28 September 2000 within the first week. The second is that “[d]emonstrable on-the-ground redeployment” be initiated within the first 48 hours of the one-week period and should continue while the schedule is being written.

The Proposal requires a separate schedule for the first 48 hours. If Israel acts in bad faith, it can spend the first week arguing about the first 48 hour withdrawal schedule instead of concentrating on a complete withdrawal schedule.

The Proposal also fails to mention anywhere in Phase One that this schedule for complete withdrawal is to be started immediately and to be completed within the first week as required by the Tenet Workplan. The Palestinians have already prepared and submitted a schedule for redeployment as required by the Tenet Workplan.

Prop 1: GOI lifts closures at agreed points (phase 1).

Prop 2: GOI takes demonstrable action to lift closures (locations to be notified to the Trilateral Security Committee).

The Tenet Workplan requires two steps from the Israelis in regards to the ending of the siege. The first is that a schedule be agreed upon for “the lifting of internal closures as well as for the reopening of internal roads, the Allenby Bridge, Gaza Airport, Port of Gaza, and border crossings” within the first week. The second is that “[d]emonstrable on-the-ground actions on the lifting of the closures will be initiated within the first 48 hours of this one-week period and will continue while the timeline is being developed.”

The Proposal requires a separate schedule for the first 48 hours. If Israel acts in bad faith, it can spend the first week arguing about the first 48 hour schedule instead of concentrating on a complete schedule for the lifting of closure.

The Proposal also fails to mention anywhere in Phase One that this schedule for complete lifting of closure is to be started immediately and to be completed within the first week as required by the Tenet Workplan.

The Palestinians have already prepared and submitted a schedule for complete lifting of the closure as required by the Tenet Workplan.

Prop 1: PA assumes security responsibility at locations where GOI eases security restrictions.

Prop 2: PA assumes security responsibility where it has jurisdiction at locations where GOI eases security restrictions. GOI takes measures to facilitate the transfer of these responsibilities.

This measure is not included in the Tenet Workplan.

As part of existing agreements, the PA will assume security responsibility where it has jurisdiction, but the PA needs guarantees that Palestinian security personnel will not be targeted, harmed, humiliated, or otherwise threatened by Israeli forces including Israeli settlers.

The Proposal also states that the Palestinians will assume responsibility in areas where Israel “eases” security restrictions – not “ends” them. This suggests that Palestinian security personnel would have to operate in areas in which Israeli forces remain.

The addition of the last sentence is assumed to be an attempt to address Palestinian concerns that Israel not attack Palestinians redeployed into these sites. However, the language is so vague as not provide any real protection.

Palestinian requests to include revenue transfer have been ignored.

2. Prop 1: 48 Hours – End of Phase 1 – Trilateral Security Committee Meeting to Assess Progress (Phase 2: 48 Hours – 1 Week)

Prop 2: No change

It is unclear how the assessment progress would work. The PA has requested that monitors and verifiers be involved in the implementation of the Tenet Workplan.

Prop 1: PA acts decisively to prevent attacks, enforce cease-fire, including arrest of activists in breach of cease-fire, action against those who incite, aid and abet such activities.

Prop 2: No change.

These Tenet obligations, combined from a variety of elements, are all mutual obligations. Yet, in the Proposal, they are listed as unilateral Palestinian obligations. Accordingly, the Proposal should state that the “GOI and PA respectively act” decisively...

Prop 1: GOI and PA act to prevent incitement to violence among their respective populations.

Prop 2: No change.

The Tenet Workplan does not call on the PA to prevent incitement, except in the case of security officers which is already covered in a previous Proposal element. The PA however is willing to carry out such a commitment.

The Tenet Workplan, on the other hand, does call on Israel to take action to halt incitement by Israeli citizens.

Prop 1: GOI and PA allow free movement of security personnel within and between Gaza and WB.

Prop 2: GOI and PA allow secure movement of security personnel within and between Gaza and WB, in accordance with existing agreements.

Prop 1: GOI completes withdrawal from Area A, continues removal of internal closures and redeployment according to agreed schedule, including removal of permanent roadblocks in Gaza, entry of vehicles at Mawasi area, removal of IDF positions from Palestinian houses, continue removal of other checkpoints and earth barriers, redeployment of armored vehicles.

Prop 2: GOI completes withdrawal from Area A, continues removal of internal closures and redeployment according to agreed schedule, including removal of permanent roadblocks in Gaza, super-

vised entry of vehicles at Mawasi area, removal of IDF positions from Palestinian houses, continues removal of other checkpoints and earth barriers, further redeployment of armored vehicles.

The Palestinian side understood from earlier conversations with the American side that Israeli withdrawal from Area A would precede implementation of a cease-fire and of the Tenet Workplan. It should be made clear that the withdrawal includes those areas equivalent to Areas A in the Gaza Strip to the pre-September 28, 2000 positions.

It should be made clear that the measures noted here are simply a continuation of the “demonstrable on-the-ground” withdrawal and lifting of closure specifically mentioned in Tenet. They should not be misinterpreted as a substitute for an agreed schedule for complete withdrawal and a complete lifting of the closure to the situation on the ground existing before 28 September 2000.

It should be explicitly stated that the schedule for complete withdrawal and complete lifting of the closure to the situation on the ground existing before 28 September 2000 should be completed by the end of Phase 2.

The new additions are designed to further Israeli concerns. Instead of lifting all barriers to entry of vehicles to Mawasi, this language confirms that entry will be “supervised”, i.e. through a checkpoint.

Also, the addition of the word “further” is designed to imply that the redeployment of armored vehicles will not be completed in this phase.

Prop 1: Nothing

Prop 2: PA continues to assume security responsibility at locations where GOI eases security restrictions. GOI continues to take measures to facilitate the transfer of these responsibilities.

The addition of this sentence is assumed to be an attempt to address Palestinian concerns that Israel not attack Palestinians redeployed into these sites. However, the language is so vague as not provide any real protection.

Prop 1: Trilateral committee identifies “flashpoints,” designates senior security personnel responsible for flashpoints, develops JSOP for each.

Prop 2: Trilateral committee identifies “flashpoints,” each side designates senior security personnel responsible for them, develops JSOP for each.

Prop 1: PA presents comprehensive plan for collection of illegal weapons. Begins actions in concert with GOI to prevent smuggling of illegal weapons. Takes demonstrable action against weapons and mortar factories, based on PA information and information developed in conjunction with the GOI.

Prop 2: PA presents comprehensive plan for collection of illegal weapons as defined in existing agreements including the Israel-Palestinian Interim Agreement, Annex I, articles IV and XI. PA begins actions in concert with GOI to prevent smuggling of illegal weapons. PA takes demonstrable action against weapons and mortar factories, based on PA information and information developed in conjunction with the GOI. Each side informs the security committee of the status and success of these efforts.

The Tenet Workplan does not require the PA to present a plan for the collection of illegal weapons nor for the actions taken against weapons and mortar factories to be based on information developed in conjunction with Israel as required in the Proposal.

Moreover, the Tenet Workplan makes the collection of illegal weapons and the prevention of smuggling a mutual obligation for Palestinians and Israelis. The Proposal uses language suggesting that this is a Palestinian obligation while the only Israeli obligation is to assist in the prevention of smuggling of weapons. The Tenet Workplan does not call on the PA to take “demonstrable action against

weapons and mortar factories” which is required in the Proposal. However such actions will be part of Palestinian implementation efforts.

The addition of the last sentence is taken from a Palestinian recommendation based on the Tenet Workplan.

Prop 1: GOI takes specified actions to ease economic restrictions and movement of Palestinian civilians.

Prop 2: GOI takes specified actions to ease economic restrictions and movement of Palestinian civilians, as detailed in Israeli proposal, p. 6.

The Tenet Workplan requires a specific schedule to be completed within one week and demonstrable steps within the first 48 hours and on-going throughout the first week to completely lift the closure. The Proposal requires significantly less here. The fragmentation of civil and economic measures creates contradictions within the Proposal. The economic and civil measures in Tenet are firmly tied to the complete withdrawal and complete lifting of closure. Such measures should not be used to justify non-implementation of withdrawal and ending of closure.

It would be preferable if most of the changes introduced above from the Israeli proposal should instead be replaced by a schedule for complete lifting of the closure.

Prop 1: GOI identifies Palestinian prisoners, including PA security personnel, arrested in security sweeps and not involved in terrorist activities. Begins releasing prisoners in this category. PA brings individual cases in dispute to the security committee.

Prop 2: GOI identifies Palestinian prisoners, including PA security personnel, arrested in security sweeps and not involved in terrorist activities. Begins releasing prisoners in this category.

The Proposal fails to specify that the prisoner release should be completed within Phase 2. As it reads, the Israelis only need to “begin” releasing prisoners but can finish the process whenever they choose. Please note that the Palestinians proposed that Israel submit the names of and evidence against those accused of being involved in terrorist activities to the committee. The change introduced serves Israeli interests by removing any checks on Israel’s decisions regarding who is a “terrorist.”

Prop 1: Trilateral Security Committee using information jointly developed by the parties, identifies activists involved in planning or carrying out terrorist activities. PA takes demonstrable actions to arrest individuals on this list.

Prop 2: Trilateral Security Committee using information provided by the parties, identifies activists involved in planning or carrying out terrorist activities. PA takes demonstrable actions to arrest individuals on this list.

There is no requirement in the Tenet Workplan to use lists “provided by the parties” of Palestinians to be arrested. The Tenet Workplan requires the PA to “move immediately to apprehend, question, and incarcerate terrorists in the West Bank and Gaza and will provide the security committee the names of those arrested, as soon as they are apprehended, as well as readout of actions.” The change in language means that parties will provide information to the Committee, but no mention is made of how the Committee will come to agreement on changing the information to a list.

Prop 1: Nothing

Prop 2: GOI re-institutes military police investigations into Palestinian deaths resulting from IDF actions in the West Bank and the Gaza Strip in incidents not involving terrorism.

This is the only substantive addition made based on a Palestinian recommendation which in turn was drawn directly from Tenet.

3. Prop 1: 1 Week – End of Phase 2 – Trilateral Security Meeting to Assess Progress - Phase 3 – 1 week – 4 weeks (plus or minus) (Further Trilateral Security Meetings will be held to assess interim progress during the course of phase 3)

Prop 2: No change

Again, it is unclear what role the assessment meetings will have on continuing implementation. The PA has requested monitors and verifiers to be involved in the implementation of the Tenet Workplan. The inclusion of the qualifiers “plus or minus” means that the four week total time period can be extended. This implies conditionality, as does the Trilateral Security Meetings assessment of interim progress.

Prop 1: GOI completes redeployment and lifting of all internal closures to 28 September 2000 positions including reopening of internal roads, the Allenby bridge, Gaza Airport, Port of Gaza, and border crossings.

Prop 2: Pursuant to agreed schedule, GOI completes redeployment and lifting of all internal closures to 28 September 2000 positions including reopening of internal roads, the Allenby bridge, Gaza Airport, Port of Gaza, and border crossings.

It is important to remember that the Tenet preamble states that the steps in the Tenet Workplan are designed to “re-establish security cooperation and the situation on the ground as they existed prior to 28 September.” This includes the revocation of all demographic, geographic, administrative, and other changes resulting from Israeli actions.

It should be specified that this element is pursuant to the pre-agreed schedule to have been completed within the first week so that Israel does not delay implementation to the last day – which is also not specified in the Proposal. The change seems to imply that there will be an agreed schedule for redeployment and lifting of closure although there is no mention of this or the timeline for its adoption in the proposal.

Prop 1: GOI further eases specified civilian restrictions.

Prop 2: GOI further eases specified civilian restrictions, as detailed in Israeli proposal, p.7.

The Tenet Workplan requires a specific schedule to be completed within one week and demonstrable steps within the first 48 hours and on-going throughout the first week to completely lift the closure, which is still absent from this proposal. The closure is to be completely lifted by the end of the implementation period. Therefore, there should be no civilian restrictions in place.

The fragmentation of civil and economic measures creates contradictions within the Proposal. The economic and civil measures in Tenet are firmly tied to the complete withdrawal and complete lifting of closure. Such measures should not be used to justify non-implementation of withdrawal and ending of closure.

Prop 1: PA arrests terrorist activists from names developed by the trilateral security committee.

Prop 2: PA arrests terrorist activists from names made known to the trilateral security committee and provides the committee the names of those arrested, as soon as they are apprehended, as well as summary of actions taken.

There is no requirement in Tenet for the PA to follow “lists” submitted by the trilateral security committee.

The only Tenet requirement is to submit the names of those arrested “as well as readout of actions taken.”

The changing of the word “developed” to “made known” makes the process by which the lists are developed more ambiguous. In the original the Palestinians, Israelis, and Americans draw up the list. In the second, it is unclear how the lists are made. Palestinian involvement is no longer even assured.

Prop 1: PA takes credible and sustained judicial action (“due process”) against arrested individuals.

Prop 2: PA takes credible and sustained judicial action (“due process”) against arrested individuals for the purpose of further investigation and prosecution and punishment of all persons involved in acts of violence and terror.

This measure is not in the Tenet Workplan. The only requirement in Tenet in this regard is to “apprehend, question, and incarcerate...”

Prop 1: PA continues to undertake preemptive operations against terrorism, continues implementation of illegal weapons collection plan, continues actions to prevent smuggling. Measures include taking demonstrable action against weapons factories, laboratories, safe-house, and arms depots at locations identified by the trilateral security committee, arrests and prosecutes individuals connected with these locations.

Prop 2: PA continues to undertake preemptive operations against terrorism, continues implementation of illegal weapons collection plan, and transfer of collected weapons to a third party, continues actions to prevent smuggling. Measures include taking demonstrable action against weapons factories, laboratories, safe-houses, and arms depots at locations identified by the trilateral security committee, arrests and prosecutes individuals connected with these locations and other actions against the support structure of terrorism, including the financing of terrorist activities and mechanisms for inciting terror.

This measure restates a number of the obligations the Proposal listed above as on-going actions. See above for comments on the specific obligations.

It is important to note that the Proposal fails to note Israel’s on-going responsibilities, such as continuing cooperation on collection of illegal weapons and taking action against Israeli citizens who incite or otherwise contribute to violence against Palestinians.

4. Prop 1: 4 Weeks (plus or minus) – End of Phase 3 – Trilateral Security Committee Meets to Assess Progress

Prop 2: 4 Weeks (plus or minus) – End of Phase 3 – Trilateral Security Committee Meets to Assess Progress and decide on Transition to Next Steps.

The inclusion of the qualifiers “plus or minus” means that the four week total time period can be extended. This implies conditionality, as does the Trilateral Security Meetings assessment of interim progress.

The last added clause can be understood to give the Trilateral Security Committee the authority to decide when and if the Mitchell Report will be implemented contradictory to the Palestinian need for the implementation of the Mitchell Report to start at an agreed fixed date.



**CROWN PRINCE ABDULLAH OF SAUDI ARABIA, SPEECH AT
THE 14TH ARAB SUMMIT, BEIRUT, 27-28 MARCH 2002**

[The speech introduced the Crown Prince’s Middle East peace initiative, offering Israel “normal relations” with the Arab states in exchange for full withdrawal from the Arab territories and recognition of an independent Palestinian state with Al-Quds as its capital as well as the return of refugees.]

In the name of God, the most merciful and the most compassionate, praise be to God Almighty, the knower of the unseen and the unknown who revealed the following in the Holy Quran: "Dispute not one with another lest ye falter and your strength depart from you."

Peace and prayer be upon the Prophet of mercy, who urged that ranks and objectives be unified by stating that "the believers in their amicability, compassion and warmth are like the human body; if an organ feels an ailment, the rest of the body will react with pain and sleeplessness."

My brethren, the leaders of the Arab nation: my brethren, the people of our Arab and Islamic nation: God's peace and mercy be upon you.

I greet all of you with the greeting of Islam. And I thank the fraternal country of Lebanon; the Lebanon of pride and national unity; the Lebanon of all Arabs, with all its religious and sectarian affiliations, for hosting this summit at this critical and turbulent juncture in history in which events are unfolding, and whose ultimate outcome is known only to God Almighty.

In spite of all that has happened - and what still may happen - the primary issue in the heart and mind of every person in our Arab and Islamic nation is the restoration of legitimate rights in Palestine, Syria and Lebanon.

These rights, which are bound to the cherished occupied lands, cannot be erased from memory, nor will the passage of time diminish their importance. No right is lost that has an advocate behind it. Those who follow the intifada of our brothers in Palestine, which has the support of all Arabs and Muslims, realize that steadfastness will not wither, that bravery will not retreat, and that justice will prevail.

Every person in Palestine - young and old - understands that the way to the liberation of his land and soil is either through steadfastness and struggle, or a just and comprehensive peace. It is therefore incumbent on the Israeli government to realize and understand this and deal with it by embarking on a new path, and that is the path of peace.

My dear brethren: the noble people of the Arab and Islamic nation: when the Arabs opted for peace as a strategic choice, they did not do so out of crippling desperation or debilitating weakness, and Israel is mistaken if it believes that it can impose an unjust peace by force.

We embarked upon the peace process with open eyes and clear minds, and we have not accepted then, nor will we accept now, that this process is transformed into a non-binding obligation imposed by one party on the other. Peace is a free and voluntary choice made by two equal parties, and it cannot survive if it is based on oppression and humiliation.

The peace process is based on a clear principle: land for peace. This principle is accepted by the international community as a whole, and is embodied in U.N. Security Council resolutions 242 and 338, and was adopted by the Madrid conference in 1991. It was confirmed by the resolutions of the European Community and other regional organizations, and re-emphasized once more this month, by U.N. Security Council Resolution 1397.

My esteemed brethren: it is clear in our minds, and in the minds of our brethren in Palestine, Syria and Lebanon, that the only acceptable objective of the peace process is the full Israeli withdrawal from all the occupied Arab territories, the establishment of an independent Palestinian state with al-Quds al-Shareef (East Jerusalem) as its capital, and the return of refugees.

Without moving towards this objective, the peace process is an exercise in futility and a play onwards and a squandering of time which perpetuates the cycle of violence. The return to the negotiating table is a meaningless endeavor if the negotiations do not produce tangible and positive results, as has been the case for the past 10 years.

Allow me at this point to directly address the Israeli people, to say to them that the use of violence, for more than 50 years, has only resulted in more violence and destruction, and that the Israeli people are as far as they have ever been from security and peace, notwithstanding military superiority and despite efforts to subdue and oppress.

Peace emanates from the heart and mind, and not from the barrel of a cannon, or the exploding warhead of a missile. The time has come for Israel to put its trust in peace after it has gambled on war for decades without success. Israel, and the world, must understand that peace and the retention of the occupied Arab territories are incompatible and impossible to reconcile or achieve.

I would further say to the Israeli people that if their government abandons the policy of force and oppression and embraces true peace, we will not hesitate to accept the right of the Israeli people to live in security with the people of the region.

We believe in fighting in self-defense and to deter aggression. But we also believe in peace when it is based on justice and equity, and when it brings an end to conflict. Only within the context of true peace can normal relations flourish between the people of the region and allow the region to pursue development rather than war and destruction.

Dear brethren, in light of the above, and in this place with you and amongst you, and with your backing and that of the Almighty, I propose that the Arab summit put forward a clear and unanimous initiative addressed to the United Nations Security Council based on two basic issues: normal relations and security for Israel in exchange for full withdrawal from all occupied Arab territories, recognition of an independent Palestinian state with al-Quds al-Shareef (East Jerusalem) as its capital, and the return of refugees. At the same time, I appeal to all friendly countries throughout the world to support this noble humanitarian proposal which seeks to remove the danger of destructive wars and the establishment of peace for all the inhabitants of the region, without exception.

I ask God Almighty to guide us to the correct decision, and to provide us with the determination of the believer, for he is our Lord and ultimate benefactor. God's peace and blessing be upon you.



**PRESIDENT YASSER ARAFAT, SPEECH TO THE
14TH ARAB SUMMIT, BEIRUT, 27-28 MARCH 2002**

[Pres. Arafat delivered his speech by a video link after it emerged that even if Israel allowed him to attend the Beirut summit it would not necessarily allow him to return to Palestine.]

In the name of God, Most Gracious, Most Merciful. "We will, without doubt, help Our apostles and those who believe, (both) in this world's life, and on the Day when the Witnesses will stand forth." - Sadaqqa Allahu Al-Athim.

Your Majesties, Excellencies, Royal Highnesses assembled now in Lebanon: Our Arab summit convenes here, in Lebanon, on the land of this country that embraces glory, and here in Beirut, its capital, forever towering in magnanimity and pride. It is the Beirut that has humiliated the invaders and taught all aggressors unforgettable lessons; here among its genuine Arab-Lebanese people, the makers of the most magnificent steadfastness and forms of unity with our people and our nation, and the achievers of the most glorious deeds of victory over the invading occupiers. Our Arab nation gathers here in Lebanon. I would have liked to be among them, but you are aware of the circumstances that prevented this from happening. Yes, it is the Lebanon for whom we rejoice for regaining its well being, stability, development, and prosperity.

This is the third Arab summit that we are convening in the course of a year and a half in the life of our Palestinian people's blessed third Intifada. It is the genuine chapter in the book of our Pan-Arab, national and liberation struggle. It is an addition to our Arab summits that symbolizes our genuine Arab solidarity. It is the most legitimate and most effective place to review the issues of our glorious Arab nation. It is the place where consensus is made on the best possible means to maintain our Arab unity, elevate its status among nations, guarantee the pride of its peoples, their freedom, progress and the defense of our Christian and Islamic holy places.

If the cause of Palestine has been one of the fundamental and important causes of this genuine Arab national framework, so it has also been for our twin, the Islamic Conference as well as for the Non-Aligned Movement and the other friendly states, at the forefront of which are Europe, Russia, China,

Japan and the U.N. We take pride in these blessed Pan- Arab efforts made by our Arab nation for us, as well as in the support, in all its meanings and forms, given to us by all brothers and friends, the world over.

Had it not been for this Arab, Islamic and international friendly and truly honest crucible, this cause would not have been able to survive and to progress despite all the hindrances, the difficulties and the challenges of all the conspiracies that our Palestinian people and Arab nation face - conspiracies whose chapters are still unfolding, not only in Palestine but also in many other regions of our Arab homeland.

Masses of our Arab nation, friends the world over and in Palestine, I am addressing you from the land of Palestine, the land of peace, the holy land - the Terra Sancta - the first of the two Qiblas and the third of the holy mosques, the land of the nocturnal journey of Prophet Muhammad (may God's peace be upon him) and the place of the nativity of Our Lord Jesus Christ (Peace be upon him), I have come to you as well from the midst of its people, faithful to their Arab nation and who have been generous in an unlimited way to their cause, to their rights and to their holy places.

I am certain that you are following by the hour the minutes of this glorious struggle and this popular steadfastness in this unswerving Jihad in the face of this Israeli military escalation and strangulating siege that our children, women and men, our mighty people of the land of steadfastness are facing (and they are steadfast until the day of judgment).

I address you, while our people are still burying their martyrs and healing the wounds of their children, their youth, their elderly and their women; while facing the winter of this year under the ruins of their homes which were destroyed and in the midst of the debris of all that we have built during the last few years, in terms of infrastructures that were also repeatedly destroyed by the treacherous occupying forces.

As for our farmers who have preserved the covenant of the land for thousands of years, they are witnessing the uprooting of more than 50% of the olive trees, planted by our fathers and our forefathers, which the Israeli military machine is turning into colonial settlements and camps for the massing of tanks and armored vehicles. As for our refugee camps, villages, towns and cities, they are also suffering under a tight closure and a total siege in unprecedented, humiliating, racist cantons.

In addition to all that, our people, women, men, and children are enduring humiliation at these military checkpoints of the Israeli occupation forces. Majesties, Excellencies and Highnesses, meeting now in Beirut, you are following all this, and I hope that you are actually following this war that has been declared against us, a war that did not leave any religious, educational, medical, cultural or security institution or places without inflicting upon them heavy human losses, that have, so far, exceeded 47,000 martyrs and injured as well as causing heavy losses to our official and people's institutions and even to our steadfast refugee camps, towns, cities and villages.

It is a war that has destroyed the infrastructures of our people, their factories, farms, and houses. Even hospitals, schools as well as churches and mosques were not spared. The international assessment of the losses inflicted upon our people, has so far exceeded 7.5 billion U.S. dollars.

In this war even internationally prohibited weapons were used by the government of Israel and its occupation army, including depleted uranium, gazes and even poisonous waste.

Despite all this, our people, in all their affiliations and forces, are holding to their firm positions, faith and steadfastness in the defense of our Christian and Islamic holy places as well as in the defense of our land and existence and in the defense of the Palestinian and Arab honor. We are full of confidence in this faith and firmness of our people and Arab nation. We are all confident in the inevitability of victory, as well as in the inevitability of achieving our national and Pan-Arab goals, for which we, as an Arab nation, have suffered massive numbers of martyrs, injured, prisoners and detainees, in the course our nation's defense and in the defense of our holy places and rights, including the right of return, the right to self-determination and the establishment of the independent state of Palestine, with holy Jerusalem as its capital.

This is our goal. It is as well the goal of our Arab nation. It is a goal that has received wide ranging international support, backing, approval, and consensus. Beloved brothers, we are continuing on the road of this legitimate goal without abandoning the choice of permanent, just and comprehensive peace, and the political initiatives which the world respects and because of which it has given us its support, backing and protection starting from the Madrid Conference and land for peace, and on the basis of the resolutions of international legality 242, 338, 425, 194 on the refugees, and the recent U.N. Security Council Resolution 1397 on the establishment of permanent and comprehensive peace in the whole area, and all of which in turn are in harmony and in keeping with the resolutions of the Arab summits.

We have co-operated with all the efforts that aim at rescuing the march of peace, since the meetings of Cairo, Sharm El Sheikh, Camp David, Paris, Athens, Taba, and Portugal and in other places. We have in all responsibility accepted the Mitchell Recommendations and the Tenet Understandings. We have declared to the whole world that we support any Arab or international effort that aims at closing the file of aggression, occupation, colonial settlement and bloodshed, for the sake of opening the file of negotiations, peace and the achievement of the yearned for solution. In this regard, we spared no effort in cooperating with General (Anthony) Zinni, the Special Envoy of President Bush, whom I thank for this initiative, as well as with the envoys of the European Union, the Russian Federation, the U.N., the Non-Aligned countries, and other friendly states.

In the framework of this cooperation, we have repeatedly declared a unilateral ceasefire. Despite all difficulties and provocations, we have provided all mediators with more than three weeks of total calm, while in fact, what was required was not more than one week.

In spite of our seriousness, as testified to by our brothers and by the quadripartite U.S.- Russian-European and U.N. Commission, yet the insistence of the government of Israel on adopting the illusion of its capability to humiliate and oppress our Palestinian people has always undermined the efforts of calming, through its military escalation, the strangulating siege and by putting new obstacles before moving towards negotiations on any political track, in order to continue the occupation, the colonial settlement and hindering the peace process in the whole area.

Beloved brothers, I would like to tell you in frank and precise terms that we want our national, firm and inalienable rights, the rights that are supported by international legality, the rights of our refugees, our right to self-determination and to the establishment of our independent state, on the whole territory which was occupied in 1967, with holy Jerusalem as its capital.

We do not want to see this occupation and the illegal settlements. We want the peace of the brave for our children and for their children, for a bright future where they can live and learn side by side, in peace, security, and tranquility.

This is what we want. This is what has been approved by our Arab nation, in its Arab and Islamic summits. This is what we have promised our people and pledged to achieve, God willing.

This is what the world expects from the peace of the brave that I signed with my late partner Rabin who paid with his life for this peace.

Here I wish to underline the participation of a Christian religious delegation from Al Quds Assharif (Holy Jerusalem) in this summit convening in Beirut. This delegation has also participated in the previous summits that convened in Amman, Cairo, and Qatar, as well as in all Islamic Summits and at the Jerusalem Committee meetings in Morocco. This is matter of great pride for us.

"Glory to God in the highest and on earth peace to men of goodwill." Beloved brothers, we have to study the state of the [Muslim] nation (the Ummah), its preoccupations, pains, and hopes. We have to give concentrated attention to the joint Arab mechanisms of action.

Indeed, we do want to know how this joint Arab action would be.

While we all understand the dimensions and contents of the accelerating international changes, and while deeply understanding what has been termed as the post-11 September world, in other words after the terrorist acts of aggression against New York and Washington, condemned first by us and then by the rest of the world, we have to put our feet squarely on the map of the new world - in all its colorings, complications and intricacies. Our Arab discourse and our Arab policies have to match the caliber of our status in this world as well as the volume of our interests and the interests that the world has with us.

As our nation has always been, through the various stages of history, the bearer of a civilization capable of positive interaction with other civilizations, it is today more capable to discourse with the new world.

It has to be an effective partner in forming its orientations and approaches. We all understand that there are great challenges that block this legitimate longing of ours. Yet through the unity of our political line and sound, methodical and persistent joint Arab mechanisms of action, we will by-pass and overcome these challenges.

The world has to realize this sad reality facing our people, the reality that we are indeed the victims of occupation, colonial settlement, and terrorism.

We are against the killing of civilians on both sides.

Isn't the Israeli occupation of our land, people and of our Christian and Islamic holy places the apex of terrorism? Isn't the collective punishment, the strangulating siege and the military escalation adopted by the government of Israel as a permanent official policy against our people, the worse kind of terrorism, occupation and contrary to all decisions and resolutions of international legality, especially since it is the only remaining occupation in this century? The whole world continues to condemn the Israeli occupation of the whole Palestinian and Arab territories, be it in the Golan Heights or in South Lebanon.

Now, while the world is looking forward to this Arab summit, I would like, on behalf of the Palestinian people and the Palestinian leadership, to affirm that we welcome the enlightened and courageous initiative put forward by the Saudi crown prince, H.R.H. Abdallah Ben Abdel Azziz Al Saud, for the peaceful resolution of the Arab-Israeli conflict. God willing, this initiative will be translated, during this Arab summit, into an Arab initiative for the peace of the brave, between us and the Israeli people and the Jews world wide.

On this particular day, which coincides with the first day of the Jewish Passover, the day of their liberation, we wish them a happy Passover, and remind them that a new era and new freedom for our Palestinian people will inevitably come true. I also hope that our Arab summit will solve, in the spirit of Arab fraternity and Arab genuineness, the Iraqi-Kuwaiti situation so that the Kuwaiti-Iraqi harmony will regain its former strength, and so that stability in our area and stability in our situation and in our security as an Arab nation, in each and every country, be regained and our genuine Arab unity be reconsolidated.

The international environment is ready to accept these initiatives for a permanent and just solution to the Arab-Israeli struggle on all tracks and levels taking into consideration, the U.S. vision declared by President Bush on the establishment of the independent state of Palestine, and we express our thanks to him. This was bolstered by the recent U.N. Security Council resolution 1397 proposed as well by the U.S.A, in the name of President Bush, and we again express our thanks to him. We have also to take into consideration that 161 member states in the U.N. General Assembly voted in favor of the establishment of this Palestinian state. This is in addition to the positions adopted by the European states, Russia, the U.N., the Non-Aligned states, China, Japan, other friendly states as well as the Islamic and African states and the G-8 member states.

All these together form an unprecedented international consensus vis-à-vis our cause and the establishment of our independent Palestinian state.

In conclusion, I would like to tell you, in the name of our steadfast and persevering Palestinian people, in the name of our innocent martyrs, in the name of our injured and handicapped, in the name of

the defenders of our refugee camps, our towns, cities and villages, in the name of your vanguards, defending the honor, esteem and pride of our Arab nation, in the name of them all, in the name of Palestine, I would like to tell you all, in their name and in the name of Palestine, that our people, our Arab nation and the world are expecting your decisions and awaiting your moves. They continue to depend on this Ummah (Muslim nation) and on its leaders. It is the Ummah (Muslim nation) of whom the Almighty God said: We are the best of peoples evolved for humankind.

Enjoining what is right, Forbidding what is wrong.

Let us be worthy of those who pin their hopes on us. May God bless you with success. In the name of God, Most Gracious, Most Merciful.

And to enter your Temple As they had entered it before. Sadaqqa Allahu Al Athim.

May peace, God's Mercy and Blessings be upon you.



FINAL COMMUNIQUÉ, 14TH ARAB SUMMIT, BEIRUT, 28 MARCH 2002 [EXCERPTS]

We, the kings, presidents, and emirs of the Arab states meeting in the Council of the Arab League Summit in Beirut, capital of Lebanon... have conducted a thorough assessment of the developments and challenges [...] relating to the Arab region and, more specifically, to the occupied Palestinian territory.

With great pride, we followed the Palestinian people's intifada and valiant resistance. We discussed the Arab initiatives that aim to achieve a just and comprehensive peace in the region...

Based on the pan-Arab responsibility, and [...] the objectives of the Arab League Charter, the UN Charter, we announce the following:

We will continue to [...] protect the pan-Arab security and fend off the foreign schemes that aim to encroach on Arab territorial integrity.

We address a greeting of pride and honour to the Palestinian people's steadfastness and valiant intifada against the Israeli occupation and its destructive war machine.

We greet with honour and pride the valiant martyrs of the intifada. [...]

We affirm solidarity with Lebanon to complete the liberation of its territory and pledge to extend aid to help its development and the reconstruction process.

We take pride in the Lebanese resistance and the outstanding Lebanese steadfastness that led to the withdrawal of the Israeli forces from the major part of South Lebanon and western Al-Biqa. We demand the release of the Lebanese prisoners, who are held in Israeli jails....

We emphasize our solidarity with Syria and Lebanon in the face of the Israeli aggressive threats that will undermine security and stability in the region.

We reaffirm that peace in the Middle East cannot succeed unless it is just and comprehensive... and based on the land for peace principle.

Expectations from Israel

A. Complete withdrawal from the occupied Arab territories, including the Syrian Golan Heights, to the 4 June 1967 line and the territories still occupied in southern Lebanon.

- B. Attain a just solution to the problem of Palestinian refugees to be agreed upon in accordance with the UN General Assembly Resolution No 194.
- C. Accept the establishment of an independent and sovereign Palestinian state on the Palestinian territories occupied since 4 June 1967 in the West Bank and Gaza Strip with East Jerusalem as its capital.

In return the Arab states will do the following:

- Consider the Arab-Israeli conflict over, sign a peace agreement with Israel, and achieve peace for all states in the region.
- Establish normal relations with Israel within the framework of this comprehensive peace.

Iraq

The Council welcomes the assurances by the Republic of Iraq that it will respect the independence, sovereignty, and security of the state of Kuwait and safeguard its territorial integrity.

Within the same framework, the leaders emphasize the importance of suspending media campaigns and negative statements to create a positive atmosphere. [...]

The Council calls for respecting Iraq's independence, sovereignty, security, territorial integrity, and regional safety.

The Council calls on Iraq to cooperate in seeking a [...] definitive solution to the issue of the Kuwaiti prisoners and detainees and returning [Kuwaiti] properties.

The Council also calls on Kuwait to cooperate with what Iraq offers with respect to its nationals who are reported as missing through the International Committee of the Red Cross.

The Council welcomes the resumption of the dialogue between Iraq and the United Nations. [...]

The Council calls for lifting the sanctions on Iraq and ending the tribulation of the fraternal Iraqi people. [...]

The Council rejects threats of aggression against some Arab states, particularly Iraq, and reiterates categorical rejection of attacking Iraq.

The Council denounces international terrorism, including the terrorist attack on the United States on 11 September 2001, as well as the Israeli Government's exploitation of this attack.

The Council emphasizes the distinction between international terrorism and the peoples' legitimate right to resist foreign occupation, and stresses the need to reach an international agreement within the framework of the United Nations.



ARAB LEAGUE SUMMIT RESOLUTION (“THE BEIRUT DECLARATION”), 14TH ARAB SUMMIT, BEIRUT, 28 MARCH 2002

The Council of the League of Arab States at the Summit Level, at its 14th Ordinary Session:

Reaffirming the resolution taken in June 1996 at the Cairo extraordinary Arab Summit that a just and comprehensive peace in the Middle East is the strategic option of the Arab countries, to be achieved in accordance with international legality, and which would require a comparable commitment on the part of the Israeli Government;

Having listened to the statement made by His Royal Highness Prince Abdullah Bin Abdulaziz, the Crown Prince of the Kingdom of Saudi Arabia, in which His Highness presented his initiative, calling for full Israeli withdrawal from all the Arab territories occupied since June 1967, in implementation of Security Council Resolutions 242 and 338, reaffirmed by the Madrid Conference of 1991 and the

land for peace principle; and for Israel's acceptance of an independent Palestinian State, with East Jerusalem as its capital, in return for the establishment of normal relations in the context of a comprehensive peace with Israel;

Emanating from the conviction of the Arab countries that a military solution to the conflict will not achieve peace or provide security for the parties, the Council:

1. Requests Israel to reconsider its policies and declare that a just peace is its strategic option as well.
2. Further calls upon Israel to affirm:
 - a. Full Israeli withdrawal from all the territories occupied since 1967, including the Syrian Golan Heights to the lines of June 4, 1967, as well as the remaining occupied Lebanese territories in the south of Lebanon.
 - b. Achievement of a just solution to the Palestinian Refugee problem to be agreed upon in accordance with UN General Assembly Resolution 194.
 - c. The acceptance of the establishment of a Sovereign Independent Palestinian State on the Palestinian territories occupied since the 4th of June 1967 in the West Bank and Gaza strip, with East Jerusalem as its capital.
3. Consequently, the Arab Countries affirm the following:
 - a. Consider the Arab-Israeli conflict ended, and enter into a peace agreement with Israel, and provide security for all the states of the region.
 - b. Establish normal relations with Israel in the context of this comprehensive peace.
4. Assures the rejection of all forms of Palestinian patriation which conflict with the special circumstances of the Arab host countries.
5. Calls upon the Government of Israel and all Israelis to accept this initiative in order to safeguard the prospects for peace and stop the further shedding of blood, enabling the Arab countries and Israel to live in peace and good neighborliness and provide future generations with security, stability, and prosperity.
6. Invites the international community and all countries and organizations to support this initiative.
7. Requests the Chairman of the Summit to form a special committee composed of some of its concerned member states and the Secretary General of the League of Arab States to pursue the necessary contacts to gain support for this initiative at all levels, particularly from the United Nations, the Security Council, the United States of America, the Russian Federation, the Muslim States and the European Union.



**US SECRETARY OF STATE COLIN POWELL, PRESS CONFERENCE
FOLLOWING ISRAEL'S LAUNCHING OF OPERATION DEFENSIVE SHIELD,
WASHINGTON, DC, 29 MARCH 2002 [EXCERPTS]**

Once again, terrorism - terrorism that targets innocent civilians - has dealt a serious blow to the effort to achieve a cease-fire and to find a political solution to the crisis in the Middle East. Once again, terrorists have set back the vision of the Palestinian people for a state that would live in peace side by side with Israel. The United States government condemns these acts of terror and those responsible for them.

In recent weeks, there was cause for some guarded optimism. As you know, beginning last fall the president put down his vision at the United Nations for a Palestinian state living side by side in peace with a Jewish state, Israel. We also saw positive reaction to the speech that I gave in Louisville, and then just a couple of weeks ago, the United Nations passed an important Security Council resolution, introduced by the United States. And it went through the Security Council in a record period of time - with a vote of 14-0 and only one abstention, Syria - calling for a state for the Palestinian people.

The Arab summit in Beirut earlier this week, while it did not provide a complete solution, laid out a vision, a bold vision, what was put forward by Crown Prince Abdullah of Saudi Arabia. And it was embraced by all of the Arab nations. Prime Minister Sharon in recent weeks showed a great deal of flexibility with respect to conditions he had previously held to with respect to what it would take to

get into the Tenet work plan. Both sides welcomed General Zinni's return to get the Tenet work plan started, which would then lead to the Mitchell process and the political solution, the political discussions and negotiations that we all are hoping for. The vice president paid a trip to the region and was prepared to see Chairman Arafat if circumstances had permitted.

So there was reason for guarded optimism. And let's be clear about what brought it all to a halt: terrorism. Terrorism on the part of those who would target innocent civilians. Innocent civilians going about their daily lives - shopping, trying to assemble in a restaurant to celebrate an important occasion in their religious life. That is what has caused this crisis to come upon us - not the absence of a political way forward, but terrorism in its rawest form.

The president, I, all my colleagues, the United States people condemn in the strongest possible terms this series of terror attacks, including this morning's Jerusalem bombings and the other acts of terrorism which have killed innocent Israeli civilians.

We have spoken out clearly and do so again now, for Chairman Arafat to act, act against those responsible for these acts and to make clear to the Palestinian people that terror and violence must halt now. All those who support peace must reinforce this message. The international community is delivering this message. I ask Arab nations to deliver this message. I ask my colleagues in the European Union and nations around the world to deliver this powerful message.

The president and I are gravely concerned at the situation today in Ramallah. We deplore the killing and wounding of innocent Palestinians there. While we understand the Israeli government's need to respond to these acts of terror and the right of the Israeli government to decide what actions best serve the interests of the Israeli people, we call on Prime Minister Sharon and his government to carefully consider the consequences of those actions.

Chairman Arafat is the leader of the Palestinian people, and his leadership is now even more central to trying to find a way out of this tragic situation. In addition to Prime Minister Sharon, I will be in touch and have been in touch already, but will continue to be in touch in the course of the day and the weekend, with other Arab leaders besides those that I have already been in touch with, as well as the European Union, and I will be placing a call also to the United Nations secretary-general, Mr. Kofi Annan. [...]



**UN SECURITY COUNCIL, RESOLUTION 1402 (2002) ON THE
WITHDRAWAL OF ISRAELI TROOPS, 30 MARCH 2002**

[The Resolution was drafted by Norway and adopted on a 14-0 vote, with Syria not participating in the vote in protest that the resolution was not stronger in condemning Israel.]

The Security Council,

Reaffirming its resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and the Madrid principles,

Expressing its grave concern at the further deterioration of the situation, including the recent suicide bombings in Israel and the military attack against the headquarters of the president of the Palestinian Authority,

1. Calls upon both parties to move immediately to a meaningful cease-fire; calls for the withdrawal of Israeli troops from Palestinian cities, including Ramallah; and calls upon the parties to cooperate fully with Special Envoy Zinni, and others, to implement the Tenet security work plan as a first step towards implementation of the Mitchell Committee recommendations, with the aim of resuming negotiations on a political settlement;
2. Reiterates its demand in resolution 1397 (2002) of 12 March 2002 for an immediate cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction;

3. Expresses support for the efforts of the secretary-general and the special envoys to the Middle East to assist the parties to halt the violence and to resume the peace process;
4. Decides to remain seized of the matter."



**AMBASSADOR DUMISANI KUMALO OF SOUTH AFRICA, IN HIS CAPACITY
AS CHAIRMAN OF THE NON-ALIGNED MOVEMENT, STATEMENT ON THE
SITUATION IN THE MIDDLE EAST, UN SECURITY COUNCIL, 3 APRIL 2002**

Mr. President,

My delegation is pleased to see you preside over this emergency meeting of the Security Council, which we joined in calling for today in response to the full-scale military operations that are underway in the Occupied Palestinian Territory, including Jerusalem. We would like to express our appreciation to the Council for scheduling the open debate during the day when all Member States have an opportunity to express their views before this Council. We also note with appreciation that the Security Council has taken a step in taking action on our suggestion that the Council consider meeting with Prime Minister Sharon and President Arafat by instead meeting with their representatives here in New York. However, we believe that more may need to be done. We would like to remind the Council of the suggestion by some of the NAM Members that the Security Council visit the region to obtain a first hand impression of events on the ground. A visit to Israel and Palestine by this Security Council at this time would be another signal that the international community is very concerned about the deteriorating situation.

Mr. President,

The Non-Aligned Movement is concerned that Israel has for many years refused to comply with Security Council resolutions. This cannot be allowed to continue if the Security Council is to fulfil its role of maintaining peace and security. At some point this Council will have to stand up to all countries that do not obey its resolutions. We believe that this time is right now.

The Non-Aligned Movement has consistently maintained that there can be no military solution to the Middle East conflict and that occupation, settlement activities and collective punishment of the Palestinian people are the root causes of violence and insecurity in the region. In other words, the enemy in the Middle East is not President Arafat or the Palestinian Authority. The enemy is the lack of peace between Israel and Palestine.

We are, therefore, deeply distressed by the fact that the Israeli Government has chosen to respond to the symptoms of its own military occupation by using disproportionate lethal force, with resulting escalation in conflict and tragic consequences for the civilian populations of both Palestine and Israel. Clearly Israel's decision to destroy Palestinian infrastructure, to humiliate and humble Palestinian civilians and to threaten the life of the legitimate, elected, and internationally recognised leader of the Palestinian people cannot be justified as acts of counter-terrorism or even self-defense.

Israel's militaristic approach is all the more inexplicable and inexcusable since it is taking place against a backdrop of renewed efforts by the international community to mediate a peaceful solution to the conflict. The Government of South Africa found it inexplicable that Israel had seen fit to prevent President Arafat from traveling to Beirut to endorse and support the Saudi initiative. This action was shortsighted and provocative. It played directly into the hands of extremists whose sole goal was to prevent the conditions being created that would allow the achievement of a cease-fire and forward movement towards a substantial dialogue about peace in line with the requirements of the Mitchell Report.

It is also deeply troubling to the South African Government that at precisely the time that both the Israeli and Palestinian leadership were engaged in discussions with General Zinni about establishing the conditions for the implementation of a cease-fire, extremists had once again targeted Israeli civilians in attacks that left scores of dead and injured.

Israel's response to these killings was once again the same massive predictable military escalation witnessed in the past, which sought to target President Arafat as an enemy, to destroy Palestinian infrastructure and try to humiliate and bludgeon the Palestinian people into submission.

Mr President,

Despite these setbacks the United Nations Secretary-General, the Arab League, the Non-Aligned Movement, the European Union, the Russian Federation and the USA and others continue to intensify their efforts to encourage dialogue between the Palestinians and the Israelis.

We therefore remain convinced that it is possible to achieve a comprehensive, just and lasting solution to the crisis. However, the trauma, intense mistrust and fear generated by the current spasm of terrorist acts and military attacks will not be easily overcome and a credible, multi-national monitoring mechanism will be required on the ground to monitor the implementation of agreements between the two parties.

Mr President,

Through the adoption of resolution 1397 (2002) the Security Council has recognised the right of the Palestinian and Israeli people to exist side by side, in peace and security with their neighbours in States of their own. The Council has also adopted resolution 1402 (2002) demanding the immediate cessation of violence and calling for the implementation of a meaningful cease-fire and the withdrawal of Israeli troops from Palestinian cities. The least we expect is for Israel to obey Security Council resolutions and to implement resolution 1402 (2002).

Mr President,

In conclusion, please allow me to restate a fundamental truth: Israel's security cannot be achieved through the barrel of a gun. The current growing cycle of violence and the ever-increasing death toll of innocent Israelis and Palestinians can not be ended without a political solution.

Thank you.



UN SECURITY COUNCIL, RESOLUTION 1403 (2002), 4 APRIL 2002

The Security Council,

Reaffirming its resolutions 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002,

Gravely concerned at the further deterioration of the situation on the ground and noting that resolution 1402 (2002) has not yet been implemented.

1. Demands the implementation of its resolution 1402 (2002) without delay;
2. Welcomes the mission of the U.S. Secretary of State to the region, as well as efforts by others, in particular the special envoys from the United States, the Russian Federation, the European Union and the United Nations Special Coordinator, to bring about a comprehensive, just and lasting peace to the Middle East;
3. Requests the Secretary-General to follow the situation and keep the Council informed;
4. Decides to remain seized of the matter.



US PRESIDENT GEORGE W. BUSH, STATEMENT ON THE MIDDLE EAST, THE ROSE GARDEN, WASHINGTON, DC, 4 APRIL 2002

Good morning.

During the course of one week, the situation in the Middle East has deteriorated dramatically. Last Wednesday, my Special Envoy, Anthony Zinni, reported to me that we were on the verge of a cease-fire agreement that would have spared Palestinian and Israeli lives.

That hope fell away when a terrorist attacked a group of innocent people in a Netanya hotel, killing many men and women in what is a mounting toll of terror.

In the days since, the world has watched with growing concern the horror of bombings and burials and the stark picture of tanks in the street. Across the world, people are grieving for Israelis and Palestinians who have lost their lives.

When an 18-year-old Palestinian girl is induced to blow herself up, and in the process kills a 17-year-old Israeli girl, the future, itself, is dying - the future of the Palestinian people and the future of the Israeli people. We mourn the dead, and we mourn the damage done to the hope of peace, the hope of Israel's and the Israelis' desire for a Jewish state at peace with its neighbors; the hope of the Palestinian people to build their own independent state.

Terror must be stopped. No nation can negotiate with terrorists. For there is no way to make peace with those whose only goal is death.

This could be a hopeful moment in the Middle East. The proposal of Crown Prince Abdullah of Saudi Arabia, supported by the Arab League, has put a number of countries in the Arab world closer than ever to recognizing Israel's right to exist. The United States is on record supporting the legitimate aspirations of the Palestinian people for a Palestinian state.

Israel has recognized the goal of a Palestinian state. The outlines of a just settlement are clear: two states, Israel and Palestine, living side by side, in peace and security.

This can be a time for hope. But it calls for leadership, not for terror. Since September the 11th, I've delivered this message: everyone must choose; you're either with the civilized world, or you're with the terrorists. All in the Middle East also must choose and must move decisively in word and deed against terrorist acts.

The Chairman of the Palestinian Authority has not consistently opposed or confronted terrorists. At Oslo and elsewhere, Chairman Arafat renounced terror as an instrument of his cause, and he agreed to control it. He's not done so.

The situation in which he finds himself today is largely of his own making. He's missed his opportunities, and thereby betrayed the hopes of the people he's supposed to lead. Given his failure, the Israeli government feels it must strike at terrorist networks that are killing its citizens.

Yet, Israel must understand that its response to these recent attacks is only a temporary measure. All parties have their own responsibilities. And all parties owe it to their own people to act.

We all know today's situation runs the risk of aggravating long-term bitterness and undermining relationships that are critical to any hope of peace. I call on the Palestinian people, the Palestinian Authority and our friends in the Arab world to join us in delivering a clear message to terrorists: blowing yourself up does not help the Palestinian cause. To the contrary, suicide bombing missions could well blow up the best and only hope for a Palestinian state.

All states must keep their promise, made in a vote in the United Nations to actively oppose terror in all its forms. No nation can pick and choose its terrorist friends. I call on the Palestinian Authority and all governments in the region to do everything in their power to stop terrorist activities, to disrupt terrorist financing, and to stop inciting violence by glorifying terror in state-owned media, or telling suicide bombers they are martyrs. They're not martyrs. They're murderers. And they undermine the cause of the Palestinian people.

Those governments, like Iraq, that reward parents for the sacrifice of their children are guilty of soliciting murder of the worst kind. All who care about the Palestinian people should join in condemning and acting against groups like Al-Aqsa, Hezbollah, Hamas, Islamic Jihad, and all groups which opposed the peace process and seek the destruction of Israel.

The recent Arab League support of Crown Prince Abdullah's initiative for peace is promising, is hopeful, because it acknowledges Israel's right to exist. And it raises the hope of sustained, constructive Arab involvement in the search for peace. This builds on a tradition of visionary leadership, begun by President Sadat and King Hussein, and carried forward by President Mubarak and King Abdullah.

Now, other Arab states must rise to this occasion and accept Israel as a nation and as a neighbor. Peace with Israel is the only avenue to prosperity and success for a new Palestinian state. The Palestinian people deserve peace and an opportunity to better their lives. They need their closest neighbor, Israel, to be an economic partner, not a mortal enemy. They deserve a government that respects human rights and a government that focuses on their needs - education and health care - rather than feeding their resentments.

It is not enough for Arab nations to defend the Palestinian cause. They must truly help the Palestinian people by seeking peace and fighting terror and promoting development.

Israel faces hard choices of its own. Its government has supported the creation of a Palestinian state that is not a haven for terrorism. Yet, Israel also must recognize that such a state needs to be politically and economically viable.

Consistent with the Mitchell plan, Israeli settlement activity in occupied territories must stop. And the occupation must end through withdrawal to secure and recognize boundaries consistent with United Nations Resolutions 242 and 338. Ultimately, this approach should be the basis of agreements between Israel and Syria and Israel and Lebanon.

Israel should also show a respect, a respect for and concern about the dignity of the Palestinian people who are and will be their neighbors. It is crucial to distinguish between the terrorists and ordinary Palestinians seeking to provide for their own families.

The Israeli government should be compassionate at checkpoints and border crossings, sparing innocent Palestinians daily humiliation. Israel should take immediate action to ease closures and allow peaceful people to go back to work.

Israel is facing a terrible and serious challenge. For seven days, it has acted to root out terrorist nests. America recognizes Israel's right to defend itself from terror. Yet, to lay the foundations of future peace, I ask Israel to halt incursions into Palestinian-controlled areas and begin the withdrawal from those cities it has recently occupied.

I speak as a committed friend of Israel. I speak out of a concern for its >long-term security, a security that will come with a genuine peace. As Israel steps back, responsible Palestinian leaders and Israel's Arab neighbors must step forward and show the world that they are truly on the side of peace. The choice and the burden will be theirs.

The world expects an immediate cease-fire, immediate resumption of security cooperation with Israel against terrorism. An immediate order to crack down on terrorist networks. I expect better leadership, and I expect results.

These are the elements of peace in the Middle East. And now, we must build the road to those goals. Decades of bitter experience teach a clear lesson: progress is impossible when nations emphasize their grievances and ignore their opportunities. Storms of violence cannot go on. Enough is enough.

And to those who would try to use the current crisis as an opportunity to widen the conflict, stay out. Iran's arms shipments and support for terror fuel the fire of conflict in the Middle East. And it must stop. Syria has spoken out against al Qaeda. We expect it to act against Hamas and Hezbollah, as well. It's time for Iran to focus on meeting its own people's aspirations for freedom and for Syria to decide which side of the war against terror it is on.

The world finds itself at a critical moment. This is a conflict that can widen or an opportunity we can seize. And so I've decided to send Secretary of State Powell to the region next week to seek broad inter-

national support for the vision I've outlined today. As a step in this process, he will work to implement United Nations Resolution 1402, an immediate and meaningful cease-fire, an end to terror and violence and incitement; withdrawal of Israeli troops from Palestinian cities, including Ramallah; implementation of the already agreed upon Tenet and Mitchell plans, which will lead to a political settlement.

I have no illusions. We have no illusions about the difficulty of the issues that lie ahead. Yet, our nation's resolve is strong. America is committed to ending this conflict and beginning an era of peace.

We know this is possible, because in our lifetimes we have seen an end to conflicts that no one thought could end. We've seen fierce enemies let go of long histories of strife and anger. America itself counts former adversaries as trusted friends: Germany and Japan and now Russia.

Conflict is not inevitable. Distrust need not be permanent. Peace is possible when we break free of old patterns and habits of hatred. The violence and grief that troubled the Holy Land have been among the great tragedies of our time. The Middle East has often been left behind in the political and economic advancement of the world. That is the history of the region. But it need not and must not be its fate.

The Middle East could write a new story of trade and development and democracy. And we stand ready to help. Yet, this progress can only come in an atmosphere of peace. And the United States will work for all the children of Abraham to know the benefits of peace.

Thank you very much.



EGYPTIAN PRESIDENT HOSNI MUBARAK, ADDRESS TO THE NATION ON THE GRAVE SITUATION IN THE PALESTINIAN TERRITORIES, 4 APRIL 2002

Brothers and Sisters,

The Middle East region is at present undergoing bloody events brought about by the current Israeli government due to its lack of a clear vision of peace and its belief that peace can be built through military force. It further thinks that power can re-entrench its aggressive occupation of the Palestinian territories or impose an unjust settlement, that in no way complies with international legitimacy.

It is regrettable to see Israel use the international campaign against terrorism in trying to label as such the Palestinian legitimate resistance against its unlawful occupation. By circumventing some influential political powers, it thereby elicits sympathy with its attempts to eliminate the legitimate elected leadership of the Palestinian people. In so doing, they act under the illusion that any new Palestinian leadership may be more responsive to such solutions it seeks to impose.

Israel deliberately ignores the fact that the entire Palestinian people will never accept anything short of the restoration of all their territories and the establishment of an independent state with al-Quds al Shareef as its capital, regardless of any changes in their leadership and in spite of any escalation by Israel of its intransigent and arbitrary measures.

Israel also intentionally ignores that all its acts of re-occupying Palestinian self-rule areas, humiliating Palestinian President Yasser Arafat and his colleagues; members of the legitimate Palestinian Authority and even besieging and demoralizing the whole Palestinian unarmed people do constitute a flagrant violation of all international human rights conventions.

These acts clearly conflict with the least principles of democracy that Israel always brags of. The flagrant violations by the current Israeli government of all principles and values held by civilized nations, the blatant flouting by Israel of all international legitimacy resolutions and its breach of all agreements signed with the Palestinian Authority in Oslo, Wye River and Sharm al - Sheikh, all make us in the Arab world

doubtful of the credibility of Israel's commitment to the bases on which the peace process is grounded, namely the Security Council Resolutions Nos. 242 and 338 as well as the "land-for-peace" formula.

We even doubt how far Israel is really interested in seeing security and stability prevail in the Middle East region. Here, I find it incumbent upon myself to set right the rumor propagated by Israel that President Arafat had wasted a historic opportunity by turning down the former Israeli government's offer in Camp David.

The said offer was deficient in specific points that should have been rectified, particularly as regards comprehensive withdrawal from Palestinian territories, the necessity of recognizing Palestinian sovereignty over Al-Haram al Shareef and its grounds in Jerusalem. It also lacked any agreement on an urgent and fair settlement of the refugees problem.

Further, it was deficient in insistence by Israel on the requirement to lease for a long term a large tract of land in the Palestinian area of "Jordan Lowlands" Israel knew before-hand that no settlement could be reached unless such problems have been resolved.

In the meantime, I would like to stress that Israel has used all its resources to expand construction of settlements and to change the geographical status of Palestinian towns, including Jerusalem with the object of making settlement more difficult. This is a desperate attempt to obtain gains by imposing *fait accompli*.

Brothers and Sisters,

In Egypt, we have constant and unwavering commitment towards peace. However, it will never be complete unless Israel respects and implements its commitments under the agreements signed with Palestinian Authority. These include earlier understandings reached with former governments, the latest of which was Taba understanding based on proposals by the former US President Bill Clinton. These all constitute solid grounds for resuming serious peace negotiations with the elected Palestinian Authority towards establishing an independent sovereign Palestinian state.

Hence was our support for the Saudi Initiative that was endorsed as an Arab Initiative by the Arab Summit in Beirut with the object of urging Israel to exert more effort to bring about peace. Hence also was our support for the Security Council Resolution No.1397 that codified the American vision of bringing about peace on the bases of two states; Palestinian and the other Israeli, each living in peace and security within the internationally recognized borders.

Our standpoint has been always crystal-clear. On March 29, we warned Israel against the consequences of re-occupying the Palestinian Authority territories. We also warned it against attempting to cause harm to the Palestinian Authority and its elected President or assaulting the holy places particularly al-Aqsa Mosque. In this context, we called upon Israel to withdraw its forces immediately from the Palestinian Authority territories and to cease its provocative and arbitrary against the unarmed Palestinian people should it have the intention to avoid the grave consequences for which peoples of the region and foremost that of Israel will have to pay the price.

However, Israel has failed to respond to such warning and has refused to implement the unanimously issued resolution of the Security Council No. 1402, calling for immediate Israeli withdrawal from the territories of the Palestinian Authority and has even deliberately tightened its siege of the Authority premises and the residence of its president and top officials. All these acts have unveiled the real nature of the current Israeli policy that drives its power from its military machine.

This requires the entire international community to adopt decisive stands that would make Israeli government come to its senses, forcing it to comply with the international legitimacy resolutions and to respond to the proposed initiatives calling for peace, security and stability. In this regard, the Egyptian Cabinet has yesterday adopted a decisive stand which, I am sure, will convey a clear message in this regard.

Here, the United States, as the main sponsor of the peace process in this region as well as guarantor to all already signed agreements and as party to all understandings reached, has a special responsibility. Therefore, I sent two successive messages to the US President, since the beginning of the Israeli attack on March 29, urging the American administration to exert its utmost effort and use all its diplomatic power so as to guarantee Israeli withdrawal from the reoccupied Palestinian Authority territories and to lift the inhuman siege clamped on the Palestinian leader and his colleagues in Ramallah.

The American administration was urged to ensure resumption of negotiations so as to implement Tenet plan and Mitchell recommendations without making any amendments to any obligations imposed on either party. In both messages, I clearly pointed out the grave dangers that could jeopardize world peace and interests of different countries within and outside the Middle East region if Israel pursued its aggressive policy and its attempts to impose a settlement by using military force.

The Israeli government will be committing a gross mistake should it think that its current policy could lead to the security it has promised its electors. This policy will lead to nothing but further damage and more severe losses to the Israeli people. Nor will such policy intimidate Arab governments and peoples and prevent them from supporting the Palestinian people in their attempt to obtain their legal rights. Time will prove that the current policy of the Israeli government will only help deepen the feeling of hate in the hearts of some 300 million Arabs towards Israel and all those who support its current policy; bearing in mind all related connotations.

It follows therefore that the support shown by the Egyptian people with all their sects and orientations for the brotherly Palestinian people and its leadership in the face of impending dangers is not incidental. Egypt has always been and will continue to be the first to give a hand to Palestine and the first to contribute all its capabilities in alleviating sufferings of the brotherly Palestinian people. Thus, we have launched a national campaign to provide all possible humanitarian aid, relief supplies, medicine, physicians and nurses to be sent to the occupied Palestinian territories.

Brothers and Sisters:

Our belief in peace will remain strong and unwavering, should Israel show true intentions towards peace and should it abide by international legitimacy. Failing this, peace and stability will never prevail in the Middle East. The coming generations of both parties to the Arab-Israeli conflict will continue to suffer from absence of security and stability and scourge of violence and counter-violence.

It is the high time for the Israeli government to summon up courage in the face of its failure to bring about security for its citizens through military force. It is also high time for Israel to admit that its continued presence in Palestinian territories constitutes predetermination on its part to forcefully occupy lands and usurp the Palestinian rights. Furthermore, it should admit that the use of its military forces that are a force of illegitimate occupation will not quench the legitimate Palestinian resistance guaranteed by international law.

Twice did the Arab countries extend their hands with peace to Israel; first in the Cairo Summit of 1996 when they declared peace as their strategic option and second in the recent Beirut Summit that sent out a clear-cut and stronger message to the Israeli government and people as well as the Israeli and world public opinion. The message stressed that reaching an agreement to settle the refugees problem in the context of the General Assembly Resolution No.194 and establishing a sovereign Palestine State on all Israeli-occupied territories in West Bank and Gaza Strip will put an end to the conflict and allow all Arab countries to enter into normal peace relations with Israel. So, can Israel ever listen to the voice of reason and logic? Can Israel learn such lessons from the past as would enable it to look forward to the future? Will it admit the real problem and seek to redress it? Israel should be fully aware that the Arab hands today extended thereto with peace do so out of full equivalence rather than out of weakness or fear.

While the Arab nation is always able to confront challenges, yet at the same time, it has the will to establish principles of peace and stability based on right, justice and to restore rights to their original holders.

Egypt will continue to champion right and justice, to seek peace, to confront injustice, oppression and aggression, to work for stability and peaceful co-existence and to fight against extremism and blind fanaticism. In so doing, it is guided by both power and logic for the welfare of its own people and those of Arab peoples and the whole region.

May Allah guide us to do what is best for our nation and to the right path.

May Allah's peace and mercy be upon you.



**UN GENERAL ASSEMBLY, RESOLUTION ON ILLEGAL ISRAELI ACTIONS
IN THE OCCUPIED PALESTINIAN TERRITORY, RESUMED MEETING OF
THE 10TH EMERGENCY SPECIAL SESSION, 7 APRIL 2002**

The General Assembly,

Recalling its resolutions, including the resolutions of the tenth emergency special session on illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory,

Expressing its grave concern at the continuation of the tragic and violent events that have taken place since September 2000, especially the recent attacks and increased number of casualties,

Expressing its profound concern at the grave situation in the Occupied Palestinian Territory, including Jerusalem, particularly since the start of the Israeli military attack on Palestinian cities and the Palestinian Authority on 29 March 2002,

Gravely concerned at the extensive loss of life and injuries suffered by the Palestinian people, as well as the destruction of both public and private property, including homes and institutions of the Palestinian Authority,

Gravely concerned in particular about the reports of grave breaches of international humanitarian law committed in the Jenin refugee camp and other Palestinian cities by the Israeli occupying forces,

Expressing its profound concern at the dire humanitarian situation of the Palestinian civilian population, including the lack of access to food, water and medicines, owing to the Israeli siege and the attacks on Palestinian cities,

Deploring the destruction of holy sites in the Occupied Palestinian Territory, including mosques and churches, and expressing its expectation that the Israeli military siege on the Church of the Nativity in Bethlehem will end immediately,

Noting that Security Council resolutions 1402 (2002) and 1403 (2002) have not yet been fully implemented,

Noting also that Israel, the occupying Power, has refused to co-operate with the Secretary-General's fact-finding team to the Jenin refugee camp, in disregard of Security Council resolution 1405 (2002), and noting as well the decision of the Secretary-General to disband the team, and welcoming his efforts to develop accurate information regarding the recent events,

Taking note that the Security Council is yet to take the necessary measures in response to the Israeli refusal to co-operate with the fact-finding team and the ensuing developments,

Reaffirming the applicability of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 to the Occupied Palestinian Territory, including Occupied East Jerusalem,

Reiterating the obligation of Israel, the occupying Power, to abide scrupulously by its legal obligations and responsibilities under the Fourth Geneva Convention,

Deploring Israel's disregard for relevant Security Council resolutions, and stressing the need for full accountability in this regard,

Welcoming and encouraging the diplomatic efforts of special envoys from the United States of America, the Russian Federation, the European Union and the United Nations, as well as others, to bring about a comprehensive, just and lasting peace in the Middle East,

1. *Condemns* the attacks committed by the Israeli occupying forces against the Palestinian people in several Palestinian cities, particularly in the Jenin refugee camp;
2. *Condemns* also the refusal by Israel, the occupying Power, to co-operate with the Secretary-General's fact-finding team to the Jenin refugee camp, in violation of Security Council resolution 1405 (2002);
3. *Emphasises* the importance of the safety and well-being of all civilians in the whole Middle East region, and *condemns* in particular all acts of violence and terror resulting in deaths and injuries among Palestinian and Israeli civilians;
4. *Demands* the immediate and full implementation of Security Council resolution 1402 (2002);
5. *Calls for* the implementation of the Declaration adopted by the Conference of High Contracting Parties to the Fourth Geneva Convention, reconvened at Geneva on 5 December 2001, through concrete action on the national, regional and international levels to ensure respect by Israel, the occupying Power, of the provisions of the Convention;
6. *Requests* the Secretary-General to present a report, drawing upon the available resources and information, on the recent events that took place in Jenin and in other Palestinian cities;
7. *Demands* that Israel, the occupying Power, ceases all hindrances and obstacles to the work of humanitarian organisations and the United Nations agencies in the Occupied Palestinian Territory, in particular the International Committee of the Red Cross and the United Nations Relief and Works Agency for Palestine Refugees in the Near East, including lifting the restrictions on the freedom of movement and ensuring a free and safe access of staff vehicles;
8. *Calls for* the provision of urgently needed assistance and services to help in alleviating the current humanitarian situation and the reconstruction efforts, including the rebuilding of the institutions of the Palestinian Authority;
9. *Calls upon* all concerned parties to redouble their efforts to assist the parties to end the current crisis and bring them back to negotiations towards the achievement of a final settlement on all issues, including the establishment of the State of Palestine;
10. *Decides* to adjourn the tenth emergency special session temporarily and to authorise the President of the General Assembly at its most recent session to resume its meeting upon request from Member States.



**STATEMENT BY THE PERMANENT REPRESENTATIVE OF SOUTH AFRICA,
H.E. AMBASSADOR DUMISANI KUMALO, IN HIS CAPACITY AS CHAIRMAN OF
THE COORDINATING BUREAU TO THE RESUMED MEETING OF THE 10TH
EMERGENCY SPECIAL SESSION OF THE UN GENERAL ASSEMBLY ON THE
ITEM "ILLEGAL ISRAELI ACTIONS IN THE OCCUPIED EAST JERUSALEM AND
THE REST OF THE OCCUPIED PALESTINIAN TERRITORY", 7 APRIL 2002**

Mr President,

We come before the General Assembly in response to the deadlock in the Security Council on how to deal with the incursions into Palestinian territory by the Israeli army. Consequently, it is my honour, on behalf of the Non-Aligned Movement, to introduce a draft resolution on Palestine on how the General Assembly can respond to the tragic situation in the Middle East.

The Security Council, which according to Article 24 of the UN Charter, has the primary responsibility for the maintenance of international peace and security, did not take the necessary action on the question of Palestine. Even more troubling is that recently, when the United Nations Secretary-General decided to send a fact-finding mission to the Jenin refugee camp to investigate the events that occurred as a result of an invasion by the Israeli army, the Israeli Government prevented the fact-finding mission from entering Palestine. To this day the Security Council has yet to officially react to this Israeli rejection.

In addition, the Israeli Government has refused to co-operate with the United Nations Commission for Human Rights fact-finding team, led by UNCHR High Commissioner Mary Robinson. Israel has also

not given effect to the 5th December Final Declaration of the Conference of High Contracting Parties to the Fourth Geneva Convention.

The General Assembly must now stand against Israel's defiance of international humanitarian law and human rights. The intransigence of the Israeli State is beginning to erode the credibility and legitimate standing of the United Nations as a whole. Israel seems to have developed a culture of acting with impunity when it comes to the United Nations. The message that must emanate from this Assembly must be that no individual Member of the United Nations can be treated differently from the rest.

Mr. President,

The Security Council has passed a number of important resolutions on Palestine. Two of these resolutions, 1402 and 1403, call for the withdrawal of Israeli forces from Palestinian territory without delay. However, Israel has yet to withdraw its forces from Palestine. Instead, the Israeli army has invaded more Palestinian towns. Resolution 1405 welcomed the Secretary-General's initiative to send a fact-finding mission to investigate the events in Jenin. But after many days of prevarication and obstruction, Israel eventually forced the Secretary-General to disband his high-profile fact-finding team. The problem is that the Security Council still does not seem to know what to do when the Israeli Government chooses to ignore the Security Council's authority.

To people throughout the world it makes little difference whether the Security Council has met virtually everyday on Palestine or whether the Security Council authorised, mandated or merely welcomed the deployment of the fact-finding team. The point is that the Security Council unanimously agreed that it is in the best interest of both parties, the Israelis and the Palestinians, and indeed the entire international community, that the truth behind the events in Jenin be established. The accusations, suspicions and controversy behind what actually happened in Jenin have not died down, nor are they likely to do so. As the Secretary-General said in his letter to the President of the Security Council on the disbanding of the Jenin fact-finding team dated 1 May 2002, "I regret being unable to provide the information requested by the Council in resolution 1405, and especially that the long shadow cast by recent events in the Jenin refugee camp will remain in the absence of such a fact-finding exercise".

Through its own actions, the Israeli Government has led us to the perception that the truth is something that they would wish to hide. But as we all know, the truth will ultimately prevail.

Mr. President,

The people of Palestine look to the General Assembly as their last recourse. Every Member State has an obligation to take a stand on the crisis in the Middle East. This is no time for moral ambivalence and double standards. The time has come to allow the wider international community to articulate its views and to send a clear and unambiguous message to the Government of Israel that international law and human rights are non-negotiable. This resolution before you seeks to do precisely that. We wish to leave the Government of Israel in no doubt that its recent military incursions far exceeded the boundaries of the right to self-defence.

Furthermore, we want it to be known that Israel's actions cannot be justified on the grounds of counter-terrorism. Combating terrorism does not license any State to disregard international laws and humanitarian norms. There can be no valid comparison drawn between the fight against international terrorism and fighting against the legitimate struggle of the Palestinian people to end foreign occupation.

Mr. President,

The resolution before you gives all Member States an opportunity to be on record on the situation in the Middle East. Besides condemning the Israeli army for brutal assaults on Palestinian cities, it points out that the refusal by Israel, the occupying Power to co-operate with the Secretary-General's fact-finding team sent to the Jenin refugee camp is a violation of Security Council resolution 1405. The resolution requests the Secretary-General to present a report drawing upon the available resources and information on the recent events that took place in Jenin and other Palestinian cities.

The resolution demands that Israel cease all hindrances and obstacles to the work of humanitarian organisations and the United Nations agencies in Occupied Palestinian Territory, in particular the International Committee of the Red Cross and the United Nations Relief and Works Agency for Palestine Refugees in the Middle East.

Mr. President,

Our presence in this General Assembly today is testament to our belief that there can still be a peaceful resolution in the Middle East even though the situation has become very intractable. We believe that there can be no solution for peace in Palestine that will not include President Arafat, the democratically elected leader of the Palestinian people. It is with that belief and spirit that we call on Members of this Assembly to give their resounding support to the resolution before us and send a clear message that the United Nations is ready to take a stand on the issue of Palestine.

Thank you.



**JOINT STATEMENT READ BY UN SECRETARY-GENERAL KOFI ANNAN
ON BEHALF OF THE US, THE EU, RUSSIA AND THE UN (THE "QUARTET"),
FOLLOWING A MEETING ON THE MIDDLE EAST SITUATION, 10 APRIL 2002**

We reviewed the escalating confrontation in the Middle East and agreed to coordinate our actions to resolve the current crisis.

We express our great concern about the present situation, including the mounting humanitarian crisis and the growing risk to regional security.

We reiterate our shared condemnation of violence and terrorism, express our deep distress at the loss of innocent Palestinian and Israeli life, and extend our deepest sympathy to the families of those killed and injured.

Believing that there has been too much suffering and too much bloodshed, we call on the leaders of Israel and the Palestinian Authority to act in the interests of their own people, the region and international community and to immediately halt this senseless confrontation.

In this regard we express our grave concern about the most recent attacks from Lebanon across the U.N. determined blue line.

The Quartet calls on all parties to respect the blue line, halt all attacks, and show the utmost restraint. The conflict should not be allowed to spread and threaten regional security and stability.

The U.N., EU and Russia express their strong support for the Secretary of State Powell's mission, and urge Israel and the Palestinian Authority to cooperate fully with his mission and with their continuing efforts to restore calm and resume the political process.

We reiterate that there is no military solution to the conflict and call on the parties to move towards a political resolution of their disputes based on U.N. Security Council resolution 242 and 338, and the principle of land for peace - which formed the basis for the Madrid Conference of 1991.

We reaffirm our support for the objective expressed by President Bush and spelled out in U.N. Security Council Resolution 1397 of two states, Israel and Palestine, living side by side within secure and recognised borders.

We warmly welcome Saudi Crown Prince Abdullah's peace initiative as endorsed in Beirut by the Arab League, as a significant contribution towards a comprehensive peace including with Syria and Lebanon.

To enable progress towards our shared goals, we reaffirm that Security Council resolution 1402 must be fully implemented immediately, as called for in U.N. Security Council resolution 1403.

We call on Israel to halt immediately its military operations. We call for the immediate, meaningful ceasefire and an immediate Israeli withdrawal from Palestinian cities, including Ramallah, specifically including Chairman Arafat's headquarters.

We call on Israel to fully comply with international humanitarian principles and to allow full and unimpeded access to humanitarian organisations and services. We call on Israel to refrain from the excessive use of force and undertake all possible efforts to ensure protection of civilians.

We call on Chairman Arafat, as the recognised elected leader of the Palestinian people to undertake immediately the maximum possible effort to stop terror attacks against innocent Israelis. We call on the Palestinian Authority to act decisively and take all possible steps within its capacity to dismantle terrorist infrastructure, including terrorist financing, and to stop incitement to violence.

We call on Chairman Arafat to use the full weight of his political authority to persuade the Palestinian people that any and all terrorist attacks against Israelis should end immediately; and to authorise his representatives to resume immediately security coordination with Israel.

Terrorism, including suicide bombs, is illegal and immoral, has inflicted grave harm to the legitimate aspirations of the Palestinian people and must be condemned as called for in U.N. Security Council resolution 1373.

We call on Israel and the Palestinian Authority to reach agreement on ceasefire proposals put forward by General Zinni without further delay. We commend the efforts of General Zinni to date to achieve this objective.

The Quartet stands ready to assist the parties in implementing their agreements in particularly the Tenet security work plan and the Mitchell recommendations including through a third party mechanism as agreed to by the parties.

We affirm that the Tenet and Mitchell plans must be fully implemented including an end to all settlement activity. We are firm that there must be immediate parallel and accelerated movement towards near term and tangible political progress and that there must be a defined series of steps leading to permanent peace involving recognition, normalisation and security between the sides and an end to Israeli occupation and an end to the conflict. This will allow Israel to enjoy enduring peace and security and the Palestinian people to realise their hopes and aspirations in security and dignity.

In support of these objectives, we call on the international community, particularly the Arab states to preserve, strengthen and assist the Palestinian Authority including through efforts to rebuild its infrastructure, security and governance capacity.

We call also on the donor community and the international financial institutions to renew their commitment to provide urgent humanitarian assistance to the Palestinian people and to assist in economic and institutional reconstruction. We pay tribute to the courageous efforts of the humanitarian agencies.

We agreed on the need to keep the situation in the Middle East under review by the Quartet at the principals' level through regular consultations. Our special envoys will continue their efforts on the ground to assist the parties in reaching an end to confrontation and a resumption of political negotiations.



**EUROPEAN PARLIAMENT, CALLS FOR SUSPENDING THE EU-ISRAEL
ASSOCIATION AGREEMENT AND ENDING THE MIDEAST VIOLENCE,
EMERGENCY DEBATE, 10 APRIL 2002**

[The non-binding resolution was backed by 269 votes to 208.]

SITUATION IN THE MIDDLE EAST

The European Parliament,

Having regard to its recommendation to the Council of 13 December 2001 on the crisis in the Middle East and the role of the European Union in the region¹, its resolution of 7 February 2002 on the Middle East and its resolution² of 20 March 2002 on the outcome of the European Council of 15-16 March 2002 in Barcelona,

- A. profoundly shocked by the escalating human tragedy experienced by the Israeli and Palestinian peoples,
 - B. convinced that only a return to the negotiating table will restore the prospect of two States, Israel and Palestine, existing alongside each other in peace and security,
 - C. greatly worried by the clashes taking place at the border with Lebanon, which could spill over to the whole region,
 - D. whereas a continuation of the Middle East conflict represents a source of growing tension in the Arab countries and will lead to a worsening of the international political and economic situation,
1. Supports the UN Security Council's Resolutions 1397, 1402 and 1403, which call for the withdrawal of the Israeli army from the Palestinian territories, including Ramallah; calls for their full and immediate implementation and the cessation of all violence;
 2. Strongly condemns all indiscriminate terrorist attacks by suicide bombings against Israel perpetrated by Palestinian extremists; calls on the Palestinian Authority to make greater efforts to prevent acts of terrorism;
 3. Condemns the military escalation pursued by the Sharon government, which violates international and humanitarian law and will provide no effective solution to the terrorist attacks, and condemns the oppression of the Palestinian civilian population by the Israeli army and the systematic destruction of infrastructures on the West Bank;
 4. Makes clear to the Israeli Government that Mr Arafat, the democratically elected President of the PNA, must enjoy freedom of movement, and finds unacceptable his de facto house arrest;
 5. Condemns the refusal by Prime Minister Sharon to let the EU high-level delegation meet President Arafat, and believes that the Israeli Government should take advantage of the genuine European efforts to find a solution to the crisis, including the terrorism issue; considers the offensive treatment of the EU delegation to be a turning point in EU-Israel relations;
 6. Stresses the importance of the meeting in Madrid between the EU, the United States, Russia and the UN Secretary-General to discuss the current situation, and welcomes the Council Presidency's initiative; calls for consideration to be given to the sending of an international buffer and monitoring force to the region under UN auspices; calls on the Member States to make an immediate start on preparing their contribution to that force;
 7. Calls on the Council to institute an arms embargo on Israel and Palestine;
 8. Calls on the Council and the Commission urgently to convene the EU-Israel Association Council in order to put its position to the Israeli Government, asking it to comply with the latest UN resolutions and make a positive response to the current efforts undertaken by the EU to achieve a peaceful solution to the conflict; calls on the Commission and Council, in this framework, to suspend the EU-Israel Euro-Mediterranean Association Agreement;
 9. Stresses the special responsibility of the USA in the crisis, mainly due to its influence on Israeli policy, and supports the decision to send a high-level US delegation to the region with the aim of bringing about a resumption of talks between the two parties and putting an end to the violence;
 10. Welcomes the endorsement by the Arab League of the Saudi proposal which should constitute a basis for discussions seeking a lasting peace agreement between Israel and Palestine, and invites the Israeli Government to recognise this turning point in the Arab states' attitude towards the conflict;

11. Strongly condemns recent acts of anti-Semitism committed in Europe, such as those against Jewish synagogues, schools and cemeteries;
12. Expresses its full support for those Israelis, Palestinians and international organisations working for peace at every possible level, including the Israeli reservists refusing to serve in the Occupied Territories, and especially expresses its sympathy and support for the Israeli-Palestinian coalitions for peace;
13. Calls on Israel to guarantee the media free access to the Occupied Territories and to allow EU diplomatic and consular authorities to contact EU citizens in the area;
14. Instructs its President to forward this resolution to the Council, the Commission, the Government and Parliament of Israel, the President of the Palestinian National Authority and the Palestinian Legislative Council, the UN Secretary-General, the US President and Congress and the Secretary-General of the Arab League.



**LETTER BY KONRAD RAISER, GENERAL SECRETARY OF THE
WORLD COUNCIL OF CHURCHES, TO THE FOREIGN MINISTERS
OF THE EUROPEAN UNION, 12 APRIL 2002**

[In his letter, the Gen.-Sec. urged EU ministers - who were to meet in Luxembourg on 15-16 April 2002, to take leading role in seeking a just and sustainable peace in the Middle East.]

I write to express appreciation for the efforts you and your European Union counterparts have undertaken recently to bring an end to the Palestinian/Israeli conflict. In particular, we welcome the Joint Statement of the EU, the US, Russia and the UN on the escalating confrontation in the Middle East issued yesterday following their meeting in Madrid. At the same time, we deeply regret the slow progress made by the international community in obliging the two sides, and in particular Israel, to comply with UNSC resolutions 1397 of 12 March, 1402 of 30 March and 1403 of 4 April. As a result, hundreds more Palestinian lives have been lost and untold additional damage done to Palestinian homes, institutions and infrastructure. The cycle of violence has not been halted, claiming an unconscionable number of Israeli lives as well.

The international community bears full, continuing responsibility for the effective implementation of UN resolutions since the adoption by the UNGA of the Plan of Partition in resolution 181 of 1947. Yet it has consistently allowed the State of Israel to ignore or openly violate successive General Assembly and Security Council resolutions with virtual impunity. For the international rule of law to be universally respected, and for the decisions of the United Nations to be credible, their selective application must be avoided at all costs.

In its statement to the current session of the UN Commission on Human Rights, the European Union has made its position on the Palestinian/Israeli conflict and its causes clear in a way that we fully support. Now measures need urgently to be taken that translate declarations into actions to oblige compliance with the expressed will of the international community. This applies particularly to the repeated demand that Israel withdraw all its forces from Palestinian territories immediately and unconditionally. We therefore urge you to take further, decisive steps in this direction at the forthcoming meeting of EU Foreign Ministers along the lines of the resolution adopted by the European Parliament on 10 April. Specifically, we urge you to consider initiatives that

- take account of Article 2 of the EU-Israel Euro-Mediterranean Association Agreement that conditions "relations between parties, as well as all the provisions of the Agreement itself...on respect for human rights and democratic principles, which guides their internal and international policy and constitutes an essential element of this Agreement" and suspend this agreement until such time that Israel complies with these provisions;

- review all forms of military cooperation with the State of Israel including instituting a strict arms embargo;
- affirm the willingness of the European Union to participate in an international mission or third-party mechanism on the ground to oversee Israeli compliance with the Security Council's demand that it withdraw immediately and completely from Palestinian territories, and Palestinian compliance with the demand to cease all further terrorist attacks against the Israeli population.

We believe that the European Union should commit itself to taking a leading role in seeking a just and sustainable peace. This should apply not only to the immediate measures recommended above, but as EU High Representative Javier Solana told the European Parliament early this week, EU states must move rapidly towards

- addressing and removing the causes of this and future crises by pressing for an end to occupation and the establishment of two states within guaranteed and secure borders;
- proposing modalities for a new negotiation framework and participating fully in its elaboration and implementation;
- participating fully in efforts to reconstruct the Palestinian Authority's capacity to administer the territories under its control and to construct the Palestinian State.

We make these appeals for prompt action not as retribution against any party, but rather in the spirit of the WCC's Decade to Overcome Violence, that calls for non-violent means of resolving conflict and the application of restorative justice. In so doing, we echo the appeals and join with the intentions of the Heads of Christian churches and communities in Jerusalem who have consistently called for an end to violence on all sides and have offered their good offices in the interest of a durable, negotiated settlement.

Responding to the churches' urgent appeals, the World Council of Churches has launched a campaign this year "To End the Illegal Occupation of Palestine: Support a Just Peace in the Middle East." In relation to this campaign, we have also established an Ecumenical Accompaniment Programme in Palestine and Israel in order to manifest the active solidarity of Christians around the world with the people living in the Holy Land at this critical time. The churches of Europe have taken a significant lead in these initiatives, seeking to embody our shared hopes and aspirations for peace with justice for all the peoples in these lands where our Lord and Saviour Jesus Christ was received as the Prince of Peace.

The European Community has taken the lead and been generous in its support for Israel and the Palestinian people in the past. In particular, it has supported Palestinian aspirations as they have struggled for their rights, to establish their own independent state, and to rebuild and develop their war-torn lives and land. Much of what they have done with your help has again been destroyed. We sincerely hope that you will face up boldly to this new challenge and prove your willingness to provide badly needed new leadership for peace and a new future. We assure you of our constant prayers and support in your efforts to that end.



**PRESIDENT YASSER ARAFAT AND THE PALESTINIAN AUTHORITY
LEADERSHIP, STATEMENT CONDEMNING TERRORISM, 13 APRIL 2002**

President Yasser Arafat and the PNA Leadership express their condemnation of all acts of terrorism targeting civilians, be they Israelis or Palestinians, including state, group or individual terrorism. This stems from a staunch principle of rejecting a turn to violence and terrorism against civilians as a method to achieve political gains.

This position, which we declared in 1988 and during the signing of the Oslo agreements at the White House, has been reiterated numerous times including on 16 December 2001. Yet we have not seen any Israeli response to this position other than continued military escalation, a suffocating siege and a

continuous occupation of our people, refugee camps, cities and villages, as well as the total destruction of our infrastructure.

Henceforth, we strongly condemn the violent operations targeting Israeli civilians, particularly the most recent incident in Jerusalem, just as we strongly condemn the massacres conducted, and still being conducted, by the Israeli occupation forces against Palestinian civilians and refugees for the past two weeks in the city of Nablus, Jenin refugee camp and the church of Nativity in Bethlehem, in addition to other Palestinian territories.

We call upon the International Community, the Security Council and Mr. Colin Powell, who is on an international mission for the sake of peace, to pay attention to these massacres that befell our people, because of the Israeli occupation, and the Israeli government's insistence to obliterate our people's aspirations for freedom and independence by the use of military force, tanks, Jetfighter, rockets, shells and automatic weapons.

In the name of the Palestinian people, we affirm, once again, our commitment to just peace between the two peoples and two states, the peace that guarantees security for Israelis and freedom and independence in a sovereign state for the Palestinian people, security for all shall be only achieved by peace, and not through occupation, military force, massacres and terrorist acts particularly against civilians, which will never bring security and peace to neither the Israelis nor the Palestinians.

In light of Security Council resolutions, international decisions, the declarations of President Bush and his Secretary of State and the Quartet committee (US, EU, Russia and the UN) statement in Madrid as well as Mr. Powell's visit, and his presence amongst us, we all have to work in stopping this war and the immediate Israeli withdrawal in order to immediately implement the Tenet Understandings, Mitchell Report and negotiations based upon the resolutions of the Arab Summit in Beirut.

This also for the protection of our Christian and Muslim Holy Sites, and the necessity of having an International peace force to monitor this implementation



DECLARATION FROM THE ISLAMIC-CATHOLIC LIAISON COMMITTEE ON THE CURRENT SITUATION IN THE HOLY LAND, 14 APRIL 2002

The tragedy which has happened and is still happening in the Holy Land cannot leave anyone indifferent. Jews, Christians, and Muslim, along with peace loving persons and men and women of good will, are called to common action in order to put an end to this terrible tragedy and to work together towards establishing a just and lasting peace. Accordingly:

1. We call for an immediate cease-fire, and the withdrawal of war machine so as to save human lives, especially those of innocent people, in particular children, women and elderly.
2. We appeal for an end to the destruction of property, whether dwellings or other buildings, and the uprooting of plantations and the destruction of other means of livelihood.
3. We appeal for respect for the rights of civilians in a war situation; nobody should be prevented from access to water, food, medical care, and all the necessities of life. We condemn the denial of such access being used as an arm in the conflict.
4. We appeal for respect for the sacred character of the Holy places whose indemnity should be guaranteed.
5. We are convinced that violence breeds violence. The circle of violence must be stopped. We attest and assert that dialogue is the only way out of the present impasse. We therefore call for negotiations that will lead to a just and lasting peace for Israelis and Palestinians alike, allowing them to live in freedom, security, and peace within their own respective independent states.
6. As believers in The One and Only God, we Muslims and Christians recognize that peace is first of all a gift of The Almighty. Hence we call for constant prayer for peace, and support all initia-

tives in this line, as well as other initiatives from within the region or elsewhere in favour of a peaceful solution to this conflict.

*Signed: Prof. Dr. Hamid A. al-Rifaie, President, International Islamic Forum for Dialogue, Jeddah
Bishop Michael L. Fitzgerald, Secretary, Pontifical Council for Interreligious Dialogue, Vatican*



**UN SECRETARY-GENERAL KOFI ANNAN, STATEMENT ON THE ESCALATION
OF THE CONFLICT, UN SECURITY COUNCIL, NEW YORK, 18 APRIL 2002**

Mr. President,

Once again, we meet to consider the situation in the Middle East, in particular the sharply escalated conflict between Israel and the Palestinians.

Today the Commissioner General of UNRWA Peter Hansen and my Special Coordinator Terje Roed-Larsen visited the Jenin refugee camp. I have received initial reports from them and am deeply disturbed at what they have said. They have described the situation there as horrific. They witnessed people digging out corpses from the rubble with bare hands. Meanwhile no major emergency rescue operation has been allowed to begin. The destruction is massive and the impact on the civilian population is devastating.

Many questions have been raised about what occurred in the Jenin camp and more will be raised. For the moment, I am calling on the Government of Israel urgently to lift the curfew imposed on the camp and to comply fully with its obligations under international humanitarian law to provide full and unimpeded access to humanitarian agencies. I will continue to monitor the situation closely and will keep the Council apprised.

The international community, including the Security Council and the Quartet, has been working with an exceptional level of cooperation and common purpose. Secretary Powell's mission to the region, to which I have given my full support, has succeeded in slowing, at least temporarily, the spiralling violence that has beset the region in recent months. He has provided focussed attention on the need for a strategic framework encompassing security, political and economic dimensions, and has emphasized that security cannot be achieved without peace, and that peace cannot be achieved without security. His mission gives us hope that the peace process, so long delayed and so frayed, could be resumed.

However, I believe that unless the international community assumes a direct and effective role on the ground, this progress is unlikely to continue be sustained. On the contrary, my fear is that the dynamics of the situation are such that we may well see the resumption of the cycle of attacks and reprisals between Israelis and Palestinians, with an intensification of violence, and a continuing disregard for international law, including Security Council resolutions and accepted norms of human rights and international humanitarian law.

Tragically, the logic of war, to which I referred when we last met, has taken hold. Previously understood "red lines" have been crossed. Today, there are, effectively, it appears that there are no red lines left in this conflict. The demands of the Council in resolutions 1402 and 1403 have largely gone unheeded.

Amid the rage, despair and hopelessness that are felt on both sides, it is all too easy for the people of the region to lose sight of one fundamental truth: there is no military solution to this conflict. Whatever the outcome of the current Israeli military operation, Israel cannot achieve long-term security through force of arms, no matter how overwhelming that force may be. The Palestinians, it is equally evident, will never be able to establish their own state by force of arms, let alone by terrorist acts. On the contrary, every suicide bomb widens and deepens the suspicion among Israelis across the political spectrum that their very existence as a state is at risk. Only through a political settlement can the le-

gitimate aspirations of both sides to live in peace within secure and recognized borders be achieved. That, Mr. President is why the international community must act to move both of the parties away from their current self-defeating course and to bring them back to agreement on the only possible basis for a political settlement - the implementation of Security Council resolutions 242, 338 and 1397, and the principle of land for peace.

Mr. President,

As the Council is well aware, considerable tensions have developed along the Blue Line in particular in the Shab'a farms area of the Golan Heights, though these have eased somewhat in recent days. It is clear that the situation there cannot be separated from the Israeli-Palestinian crisis. Repeated breaches of the Blue Line emanating from Lebanese territory raise the possibility of a full-scale conflict along that frontier. I am deeply concerned that a single incident could too easily bring about a rapid deterioration, drawing in several parties. In addition, civil unrest in neighboring countries poses a possibility of further destabilization in the region.

In responding to the crisis, the Council has not shied away from its responsibilities. Through three recent resolutions, 1397, 1402, 1403, and the Presidential Statement of 10 April, you have clearly outlined a vision of a final settlement and the steps that should be taken to enable political negotiations to resume. The Quartet meeting in Madrid last week affirmed that there must be immediate, parallel and accelerated action to achieve early and tangible political progress, and that there must be a defined series of steps leading to permanent peace – including recognition, normal relations and security between the two sides, and an end to the Israeli-Palestinian conflict. The Saudi peace initiative has shown the way to ending the broader Arab-Israeli conflict as well, through provided a powerful incentive to reach a comprehensive, just and lasting settlement in the Middle East. That is the goal that we have rightly set ourselves. However, we still lack effective means to ensure that these resolutions and peace initiatives are implemented. It is this issue that I would like to address today.

It has been increasingly recognized for some time that, left alone, the parties will not be able to extricate themselves from the current impasse. Moreover, the events of the past weeks have led to a complete breakdown in mutual trust. *Both* parties will need help to restore their security. It is this analysis that leads me to the conclusion that we need to consider possible courses of action that are bolder than have hitherto been considered practicable.

In the political arena, many of us had been calling for some time for a more intensive mediation effort that tackled the various aspects of the issue in parallel and offered a realistic bridge back to the negotiating table. This is precisely what Secretary Powell, backed by the Quartet and the Council, has initiated. Many of us have also held the view that a third party mechanism would be required on the ground to see that Security Council resolutions and agreements between the parties - such as Tenet, Mitchell and possibly others to come - would be implemented, paving the way for progress on political issues.

The primary purpose of any third party mechanism on the ground would be to bring confidence to both sides so that any undertakings made, agreements signed and commitments offered, will be respected and implemented. As I suggested in Geneva last week, such a mechanism should help establish a secure environment for both parties, thereby creating the conditions for the resumption of political negotiations towards a final settlement.

Until now, the discussion has focused on the desirability of sending a limited number of international observers to help achieve these ends. The deployment of such unarmed observers could still be useful, but given the present circumstances, it is doubtful whether their safety and security could be assured. Moreover, their symbolic presence would probably not be sufficient to help consolidate and monitor the ceasefire that Secretary Powell has and others have been working so hard to achieve, and that the Security Council has repeatedly called for. It is for these reasons that I believe the deployment of a multi-national force deserves serious consideration.

Last Friday, Kieran Prendergast, at my instruction, briefed you on the key considerations for the deployment of a multi-national force. Let me emphasize that my thinking regarding such a force is still at an early stage. Today, I can offer only my initial views. Today, I offer my views directly on the nature and functions of such a force. I do not pretend to have all the answers, some of which must be provided by those Member States who would participate in it.

Before proceeding, I must stress that I do not contemplate a United Nations force, but rather a multi-national force formed by a coalition of the willing. The Security Council could, however, should, I believe, authorize such a force under Chapter VII of the Charter. The force must be impartial and capable of taking decisive action. It must have a robust mandate, credible strength and be large enough to carry it out.

The objectives of a multi-national force in the area would be four-fold. First, it would have a mandate to halt the violence between the parties and to work with the parties to end the cycle of violence. This would entail monitoring the withdrawal and redeployment of the IDF to positions held before 28 September 2000, in accordance with the Tenet security work plan; establishing a communications and liaison mechanism in all areas of the occupied Palestinian territory; facilitating the exchange of security information, including early warning of flashpoints and potential ceasefire violations; and monitoring the parties' adherence to a ceasefire.

Second, it would gradually create secure conditions in the occupied Palestinian territory for the resumption of normal economic activity and the unimpeded delivery of humanitarian and development assistance.

Third, cooperating with the international donor community, a multi-national force would also create conditions to allow the institutions of the Palestinian Authority, including those dealing with law and order, to be re-built. As has been widely reported, many of the basic institutions of the Palestinian Authority have been damaged and destroyed in the current military campaign. The multi-national force would monitor the Palestinian Authority's development of a unified command chain for its security and police forces, and help to establish conditions for these same forces to restore the rule of law. The multi-national force would also monitor and assist the Palestinian Authority's implementation of all other commitments related to security and enhance their capacity to ensure the full compliance of all Palestinian groups with a cease-fire.

Fourth, it would work to create a stable environment to permit the resumption of negotiations aimed at achieving a political settlement.

I would expect the parties to cooperate fully with such a force and to facilitate its deployment. It is in their interest to do so. This force would, of course, not provide an absolute guarantee of security for either side, but I would expect its deployment to have a substantial positive psychological and concrete impact. Both parties would benefit from the presence of a force that would act as a liaison and help build the trust that has been so badly damaged by recent events.

For Israel, the force, if adequately deployed and sufficiently mobile, would create conditions on the ground that would place an international spotlight on any extremist Palestinian groups that try to undermine a cease-fire by continuing to engage in terrorism. The freedom of movement of such groups would be restricted, and support for their operations, would likely be diminished.

For the Palestinians, the force would increase security and create conditions for the resumption of humanitarian and development assistance, especially in the rebuilding and reordering of the Palestinian Authority's security and law enforcement institutions.

Of course, further discussion would be necessary to define not only what the force would do, but also what it would not do. Clarity on these points is essential to prevent the development of unrealistic expectations on the part of either side so as to safeguard the effectiveness of the force. For example, the force's position would soon become untenable if it appeared to be freezing the political and territorial status quo.

It could succeed only if Israelis saw it as part of a process leading to long-term security and if Palestinians saw it as part of a process I am aware that such an operation would not be risk-free. However, the situation is so dangerous, that the international community has an obligation to provide this assistance.

It is time for the international community to pursue such an option in a pro-active way, rather than waiting for the parties to arrive at this conclusion on their own. A multi-national force is essential to a gradual restoration of trust between the two sides, which is so vital if further steps toward a broad framework for a comprehensive, just and lasting peace are to be taken.

I would emphasize, however, that such a multi-national force could only be successfully deployed if the parties re-commit themselves to the peace process. Indeed, the force must operate in parallel with the direct and urgent political engagement of the international community and the parties to realize the vision outlined in Security Council resolution 1397: the vision of two states - Israel and Palestine - living side by side in peace and security. For example, the force's position would soon become untenable if it appeared to be freezing the political and territorial status quo. It could succeed only if Israelis saw it as part of a process leading to long-term security and if Palestinians saw it as part of a process leading to the end of the occupation and the withdrawal of Israeli settlements.

All of the necessary elements of a vision of a comprehensive, just and lasting peace are in place, known. They have been spelled out in Security Council resolutions 242, 338 and 1397, in the Madrid statement of the Quartet, and in the Saudi initiative as endorsed by the Arab League. The partial achievements of Camp David and Taba should not be neglected in this context. What is needed now is to bring these elements of a vision together, and to translate them into concrete reality.

Mr. President,

I urge the Security Council and the wider international community to consider this proposal in the spirit in which it is intended - as a means to halt the tragic and terrifying descent into bloodletting that we have all been watching over the past few months. I believe that only through united, firm action can the international community help these two peoples, Israelis and Palestinians, so bloodied and wearied by years of strife, to achieve a just and lasting peace.

Thank you, Mr. President.



UN SECURITY COUNCIL, RESOLUTION 1405, 19 APRIL 2002

[Resolution regarding the situation in Jenin RC and calling for sending a fact-finding mission]

The Security Council,

Reaffirming its resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002, 1402 (2002) of 30 March 2002, 1403 (2002) of 4 April 2002, and the Statement of its President of 10 April 2002 (S/PRST/2002/9),

Concerned by the dire humanitarian situation of the Palestinian civilian population, in particular reports from the Jenin refugee camp of an unknown number of deaths and destruction,

Calling for the lifting of restrictions imposed, in particular in Jenin, on the operations of humanitarian organizations, including the International Committee of the Red Cross and United Nations Relief and Works Agency for Palestine Refugees in the Near East,

Stressing the need for all concerned to ensure the safety of civilians, and to respect the universally accepted norms of international humanitarian law,

1. *Emphasizes* the urgency of access of medical and humanitarian organizations to the Palestinian civilian population;

2. *Welcomes* the initiative of the Secretary-General to develop accurate information regarding recent events in the Jenin refugee camp through a fact-finding team and requests him to keep the Security Council informed;
3. *Decides* to remain seized of the matter.



**ISRAELI PRIME MINISTER ARIEL SHARON,
MESSAGE TO THE AIPAC POLICY CONFERENCE, 23 APRIL 2002**

Greetings from Jerusalem, the eternal capital of the Jewish people for the past 3000 years, and of the State of Israel for the past 54 years and forever. I apologize for not being with you personally this year but I wish to share with you this message of determination, unity and hope for a new horizon, as you gather for this important conference.

The world has changed since last year's AIPAC Policy Conference. The terrorist attack of September 11th has forever changed our lives. Now everyone recognizes the danger of terrorism. Life, liberty and freedom can no longer be taken for granted. We appreciate and applaud President Bush and the American people in their relentless worldwide campaign against terror.

One thing which has not changed, however, is our appreciation of AIPAC. At this challenging hour, we need you more than ever. We are grateful for your work throughout the year, in every city and in every state. You help strengthen the friendship between Israel and the United States - a friendship based on the shared values of freedom, democracy and the sanctity of life. Being the only true democracy in the Middle East, Israel stands at the forefront of the conflict between the civilized world and the forces of evil.

Over the last nineteen months, Israel has been engaged in a war against Palestinian terrorism - a war that was imposed on us. This is a war for our homes and way of life. The very foundations of our freedom are under attack. The Israeli public is strong and determined to win this struggle.

There can be no moral equivalency between acts of self-defense against terror and terrorist actions. The two cannot and must not be equated. There is a world of difference between victims of terrorism and those who commit terror. In Afghanistan, the United States is fighting terrorism; sometimes innocent civilians are caught in the crossfire. Israel is fighting terrorism on our doorstep. We have a moral right and obligation to defend ourselves. Terrorists in Washington, Tel Aviv or any other place have no right to murder innocent civilians indiscriminately.

We have just completed Operation Defensive Shield, and have been successful in uprooting terrorism in many towns and villages. We discovered illegal weapons, bomb factories, and arrested many wanted terrorists. Most importantly, we dismantled the infrastructure of suicide-bombers, thereby saving the lives of many Israelis, and demonstrating to other countries that it is possible to contain the ominous spread of this form of terrorism. Once free of terror, we can move forward to implement the Tenet cease-fire agreement. We want to live in peace with our Palestinian neighbors, but they must first accept our right to live in our ancestral homeland in peace and security.

I am optimistic about the future. Operation Defensive Shield has opened a window of opportunity to put the peace process back on a different, more realistic track.

Free from the threat of terrorism, we can reach the threshold of a new horizon - one where regional peace is within our grasp. I have proposed a regional peace conference to achieve this goal.

A regional peace conference, sponsored by the United States, can create the framework and modalities to bring about a cessation of hostilities. It can foster a coalition of countries committed to peace and able to contain the forces of terrorism and evil threatening our lives.

A regional peace conference will enable Israel to present its peace plan. This plan contains three phases:

1. *A complete cessation of violence, hostilities, and especially incitement which leads to violent terrorist acts;*
2. *A long-term intermediate agreement, similar to an armistice; and finally*
3. *A permanent agreement, in which Israel's final borders and the Palestinians final borders, will be established, ending the conflict between us and the Palestinians, and the Arab countries. This must be based on Israel's right to exist in secure borders and provide for normalized relations with all countries in the region.*

I am very concerned about the global convergence of terrorism and anti-Semitism which is very alarming. Recent weeks have seen repeated attacks on synagogues and Jewish cemeteries throughout Europe, and the blood libel of an alleged Israeli massacre in the Jenin refugee camp. Just today, we heard that Jews in Berlin were told to remove any outward signs of their Jewishness - for their own safety. Now more than ever, we need you to join our efforts in fighting this frightening phenomenon.

We recently celebrated Yom Haatzmaut, Israel's 54th Independence Day, and I am proud of our achievements. We are a small country, but rich in talent and achievements. We have absorbed millions of immigrants since our creation in 1948. Today, Jews from all over the world are moving to Israel. The doors of Israel are open for any Jew who wants to live here. I invite you to join us. We need you now. If you cannot join us, come to visit us, invest here and send your children to study here. My goal of bringing one million Jews in the next decade is within our reach and will be achieved.

The future is bright. I have spent much of my life defending Israel on the battlefield. Now I want to lead Israel in peace. While we may still need to hold a sword in one hand, I believe that, united in our just cause, and with your active participation and dedicated work, we can yet pave the road to a new horizon - a horizon of security, peace and prosperity for us and our neighbors.

Shalom from Jerusalem.



**PRESS STATEMENT REGARDING SAUDI CROWN PRINCE ABDULLAH
PRESENTING HIS 8-POINT MIDEAST PEACE PROPOSAL TO
US PRESIDENT BUSH AT CRAWFORD, TEXAS, 26 APRIL 2002**

Foreign Minister Prince Saud Al-Faisal today announced that Deputy Prime Minister and Commander of the National Guard Crown Prince Abdullah bin Abdulaziz had presented an eight-point list of proposed agreements for peace in the Middle East to U.S. President George W. Bush during their lengthy meeting yesterday at the President's ranch in Crawford, Texas.

The proposal, the Foreign Minister said, is intended as a comprehensive outline of how to move towards a long-term resolution of the Israeli-Palestinian crisis, by starting discussions on the basis of a peace that all sides agree to. A Saudi official referred to the Saudi-U.S. talks as warm, friendly, and excellent in every way. Aides on both sides spoke of a determination to work together, and the President was reported to consider the Saudi proposal helpful and constructive. Prince Saud declared in an interview today: "We both came with a similar vision for peace. The intention of the meeting was to see whether we could achieve a common agreement on how to get peace."

The eight points of the proposal are:

1. Complete Israeli withdrawal from the West Bank areas that have recently been occupied.
2. An end to Israel's military siege of Ramallah, where Palestinian leader Yasser Arafat has for four weeks been trapped in his headquarters.

3. Insertion into the region of a multinational force.
4. Reconstruction of destroyed Palestinian areas.
5. Renunciation of violence.
6. Immediate initiation of political talks.
7. An end to Israeli settlements.
8. Implementation of UN Resolution 242 calling for Israeli withdrawal from territories occupied during the 1967 war, including the West Bank and the Golan Heights.



**PALESTINE NATIONAL AUTHORITY, STATEMENT REGARDING THE DELAY OF
THE ARRIVAL OF THE UN FACT-FINDING COMMITTEE, 27 APRIL 2002**

*[The UN fact-finding mission was hindered to perform its duty
in accordance with UNSC Res. 1405 due to Israeli pressure.]*

The Palestine National Authority (PNA) regards the delay in the arrival of the UN Fact-Finding Committee for the second time within one week as an unfortunate response to Israeli pressure. We reaffirm our demand for the Committee to arrive immediately, in accordance with UN Security Council Resolution 1405, and no later than Sunday April 28th.

The Government of Israel's (GOI) position regarding Resolution 1405 and the Committee established thereby reflects the illegal nature of the crimes committed by the Israeli forces in Jenin, the Jenin Refugee Camp, and the other Palestinian cities, villages, and refugee camps.

The GOI has embarked on a campaign of disinformation aimed at sabotaging the Committee's mission. The PNA will not indulge in such a futile debate. Rather, we will leave it to the Committee, and other international governmental and non-governmental organizations, to determine the facts for themselves. These facts, which show a pattern of the systematic crimes against the Palestinian People, speak for themselves.

The Israeli position is symptomatic of an underlying sense of insecurity within the Israeli government that criminal actions have been committed by Israeli forces. This has been evident by statements issued by Israeli Foreign Minister Peres, the Israeli Prime Minister's office, and most recently, the head of the Israeli Military Intelligence. The Israeli push to exclude the findings of the Committee from being used in any future criminal investigation is a further indication that Israeli forces violated international law. The PNA stresses that such an exclusion of evidence falls outside the powers of any committee.

We reaffirm our request to UN Secretary-General Annan to immediately send the Committee, no later than Sunday April 28th in strict accordance with UN Security Council Resolution 1405.

The PNA welcomes the Committee and pledges to cooperate fully and to the maximum extent of its ability and resources, so as to guarantee the full implementation of Resolution 1405.



**NON-ALIGNED MOVEMENT, COMMITTEE ON PALESTINE, DECLARATION ON THE
SITUATION IN THE OCCUPIED PALESTINIAN TERRITORY, DURBAN, 27 APRIL 2002**

1. The Committee on Palestine of the Non-Aligned Movement (NAM) met at the ministerial level in Durban, South Africa, on 27 April 2002. The NAM Members of the Security Council (NAM Caucus) were invited and participated in the meeting. The meeting was convened to consider the grave and deteriorating situation in the Occupied Palestinian Territory, including Jerusalem, and to con-

- sider appropriate action in support of the Palestinian people and the Palestinian Authority and in support of all efforts to solve the Palestinian - Israeli conflict and to establish peace in the region.
2. The Ministers decided to intensify the efforts of the Committee in light of these difficult circumstances in co-ordination with the valuable efforts that have been undertaken by the Chairman of the Movement, H.E. President Thabo Mbeki. The Ministers took guidance from the positions adopted by the Durban NAM Summit.
 3. The Ministers expressed outrage and condemned the willful killing, vast destruction and other atrocities committed by the Israeli occupying forces against the Palestinian people, especially since the start of the Israeli military assault on Palestinian cities and the Palestinian Authority on 29th March 2002. They expressed, in particular, grave concern about reports on war crimes and massacre committed in the Jenin refugee camp and in other Palestinian cities. In this regard, the Ministers rejected what has become an Israeli culture of acting with impunity and with disregard for resolutions of the UN Security Council. The Ministers stressed the need for full accountability and an end to the application of double standards.
 4. The Ministers expressed grave concern as well about Israeli military attacks on Holy Sites, including mosques and churches, in the Occupied Palestinian Territory and expressed profound concern about the Israeli military siege on the Church of the Nativity in Bethlehem.
 5. The Ministers called for the immediate and full withdrawal of Israeli occupying forces from Palestinian cities in implementation of Security Council resolutions 1402 (2002) and 1403 (2002) as a first step for ending the Israeli occupation of Palestinian land occupied since 1967.
 6. The Ministers expressed full solidarity with and support for the elected President of the Palestinian Authority and the leader of the Palestinian people, H.E. Mr Yasser Arafat. The Ministers demanded the immediate end of the Israeli military siege imposed on President Arafat in Ramallah and called for international efforts and assistance to rebuild the Palestinian Authority and its capabilities.
 7. The Ministers welcomed Security Council resolution 1405 (2002) on the dire humanitarian situation of the Palestinian civilian population and the fact-finding team dispatched by the Secretary-General. The Ministers expressed support for the fact-finding team and expressed confidence that a detailed, substantial report would be presented by the Secretary-General to the Security Council on the atrocities committed in the Jenin refugee camp and in other cities.
 8. The Ministers called for the implementation of the Declaration adopted by the reconvened Conference of High Contracting Parties to the Fourth Geneva Convention on 5 December 2001 and called for concrete action on the national, regional and international levels to ensure respect by the occupying Power of the provisions of the Convention.
 9. The Ministers recalled the international liability regarding grave breaches of the Fourth Geneva Convention and called for actions against the perpetrators by the United Nations system, including the Security Council or alternatively the General Assembly. The Ministers also reiterated the need to ensure that Israeli credentials to the General Assembly and international conferences do not cover the territories occupied by Israel since 1967.
 10. The Ministers welcomed the proposals of the Secretary-General of the United Nations on the establishment of a robust and credible multinational force under Chapter VII of the Charter of the United Nations. The Ministers called on the members of the Security Council to quickly consider the proposal of the Secretary-General and to take the necessary measures in this regard. The Ministers agreed that the presence of such a force could make an important, positive contribution towards the rapid achievement of a final settlement between the two parties.
 11. The Ministers called for an immediate end to the violence, killing and destruction and the speedy resumption of peace negotiations on a final settlement, one which would end the Israeli occupation, including the colonial settlements, and lead to the establishment of a Palestinian State with Jerusalem as its capital. The Ministers took positive note of the vision affirmed by the Security Council in resolution 1397 (2002).
 12. The Ministers stressed the need for a comprehensive approach in dealing with the situation, with a complete road map, including the final goal, mechanism and international presence on the ground. The Ministers called for an increased international role, including that of the Security Council and the Secretary-General. The Ministers expressed appreciation for the role played by the members of NAM in the Security Council and invited them to continue making such a positive contribution.

13. The Ministers agreed to organise, through the Chair of the Movement, a delegation to visit Palestine and to meet with President Arafat, in expression of solidarity with the President and people of Palestine.



DECLARATION BY THE EXECUTIVE COMMITTEE OF THE PARLIAMENTARY UNION OF THE MEMBER STATES OF THE ORGANIZATION OF THE ISLAMIC CONFERENCE (PUOICM), 7TH MEETING, KUWAIT, 28-29 APRIL 2002

The Representatives of the Member Parliaments to the Seventh Meeting of the Executive Committee of the Parliamentary Union of the Member States of the Organization of the Islamic Conference (PUOICM) held in the State of Kuwait on 28 and 29 April 2002:

Having considered the tragic conditions being suffered by the steadfast Palestinian people and their heroic leader President Yasser Arafat;

In view of the barbaric actions and the extreme and unjustified violence perpetrated by Sharon's government in oppressing the legitimate struggle of the Palestinian people against the illegitimate Israeli occupation of their homeland as well as the Israeli government's evasion of its peace obligations under the resolutions of international legitimacy and the agreements signed by previous Israeli governments in addition to the lies, distortions, and pretexts under the guise of Israeli security needs in a blatant attempt to deceive the honorable people around the world;

The Members of the Committee hail the valiant struggle of the Palestinian people against the Israeli aggression and occupation and reaffirm that this struggle is the legitimate right and national duty enshrined in divine laws and secular legislation, which repudiates the false accusation of terrorism leveled against the valiant and steadfast Palestinian people by Israel and its supporters trying to tarnish them with this accusation;

The Members of the Committee appeal as well to the international community and all honorable citizens of the world to stand up to rescue and assist the steadfast Palestinian people and call on Israel to immediately lift all restrictions on President Yasser Arafat's freedom of movement and to effect without delay a real withdrawal of its aggressive forces from all occupied Arab territories in Palestine, the Syrian Golan, and southern Lebanon in order to enable the valiant Palestinian people to establish their independent state on their national soil with Al-Quds Al-Sharif as its capital and allow the Palestinian refugees to return to their fatherland.

The Members of the Committee urge the international community and the United Nations to assume the role entrusted to them by compelling Israel to implement the following:

- To immediately cease all the barbaric and brutal actions it is perpetrating against the steadfast Palestinian people to enable them to realize their legitimate aspirations.
- To implement the latest UN Security Council resolution to dispatch an international fact-finding mission to occupied Palestine to investigate in particular the massacre that took place in Jenin; and to cooperate fully with this mission.
- To comply with the resolutions of international legitimacy and respond positively to peace initiatives on the table, including the latest Arab initiative issued by the recent Arab Summit Conference in Beirut. *The Members of the Committee* further urgently exhort the Parliaments and Peoples of the world to endeavor to achieve the following:
- To bring the Israeli Prime Minister, Sharon, his Minister of War, Ben-Eliazar, and his Chief of Staff, Mofaz, along with anyone implicated in these heinous crimes against humanity before the War Crimes Tribunal.
- To dispatch international forces to protect the Palestinian people and prevent Israel from invading the Palestinian territories it withdraws from presently or in the future after dismantling and removing the usurpations (settlements) from all the occupied territories.
- To exercise pressure on Israel to pay reparations to the families of the martyrs and the wounded and to the inhabitants of private homes which were destroyed atop their occupants' heads; and to reconstruct the infrastructure devastated by its Nazi army.

- To organize an international campaign to raise government and private donations to expedite the reconstruction of the infrastructure, facilities, houses, farms, airports, seaports, and governmental, medical, and educational buildings, and other structures obliterated by the Israeli fascism in Palestine.



US HOUSE OF REPRESENTATIVES, RESOLUTION “IN SOLIDARITY WITH ISRAEL” (H. RES. 392), WASHINGTON, DC, 2 MAY 2002

[The resolution was introduced by Tom DeLay (R-TX) on 18 April and passed by a vote of 352:82 on 2 May, the same day that a similar but milder resolution (S. Res. 247) introduced by Joseph Lieberman (CT) passed in the Senate.]

Whereas the United States and Israel are now engaged in a common struggle against terrorism and are on the front-lines of a conflict thrust upon them against their will;

Whereas hundreds of innocent Israelis and Palestinians have died tragically in violence since September 2000;

Whereas Palestinian organizations are engaging in an organized, systematic, and deliberate campaign of terror aimed at inflicting as many casualties as possible on the Israeli population, including through the use of suicide terrorist attacks;

Whereas the number of Israelis killed during that time by suicide terrorist attacks alone, on a basis proportional to the United States population, is approximately 9,000, three times the number killed in the terrorist attacks on New York and Washington on September 11, 2001;

Whereas Yasir Arafat and members of the Palestinian leadership have failed to abide by their commitments to nonviolence made in the Israel-PLO Declaration of Principles (the ‘Oslo accord’) of September 1993, including their pledges (1) to adhere strictly to ‘a peaceful resolution of the conflict,’ (2) to resolve ‘all outstanding issues relating to permanent status through negotiations,’ (3) to renounce ‘the use of terrorism and other acts of violence,’ and (4) to ‘assume responsibility over all PLO elements and personnel in order to assure their compliance [with the commitment to nonviolence], prevent violence, and discipline violators’;

Whereas the continued terrorism and incitement committed and supported by official arms of the Palestinian Authority are a direct violation of these commitments;

Whereas the al-Aqsa Martyrs Brigades, which is part of Arafat’s Fatah organization and has been designated a ‘Foreign Terrorist Organization’ by the United States Government, and other Fatah forces have murdered scores of innocent Israelis;

Whereas forces under Yasir Arafat’s direct control were involved in the Palestinian Authority’s thwarted attempt to obtain 50 tons of offensive weapons shipped from Iran in the Karine-A, an effort that irrefutably proved Arafat’s embrace of the use and escalation of violence;

Whereas the Israeli Government has documents found in the offices of the Palestinian Authority that demonstrate the crucial financial support the Palestinian Authority continues to provide for terrorist acts, including suicide bombers;

Whereas the recent escalation of Palestinian attacks, killing 46 Israelis during the week of Passover, included a heinous suicide-bombing at a religious ceremony which killed 27 and wounded more than a hundred, many critically, and was perpetrated by a known terrorist whom Israel had previously asked Yasir Arafat to arrest;

Whereas this suicide attack occurred at the very time United States envoy General Anthony Zinni was attempting to negotiate a cease-fire that would lead to the resumption of Israeli-Palestinians political negotiations;

Whereas, just before the Passover attack, Israel had agreed to General Zinni’s cease-fire proposals, whereas Yasir Arafat rejected them;

Whereas Yasir Arafat continues to incite terror by, for example, saying of the Passover suicide bomber, ‘Oh God, give me a martyrdom like this’;

Whereas Yasir Arafat and the PLO have a long history of making and breaking anti-terrorism pledges;

Whereas President George W. Bush declared at a joint session of Congress on September 20, 2001, that '[f]rom this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime';

Whereas President Bush recently stated that he 'fully understands Israel's need to defend herself and that he 'respect(s)' the fact that Israelis have 'seen a wave of suicide bombers coming to the heart of their cities and killing innocent people';

Whereas President Bush, in his speech of April 4, 2002, stated that 'the situation in which he [Arafat] finds himself today is largely of his own making'; that Arafat 'missed his opportunities, and thereby betrayed the hopes of the people he's supposed to lead'; and that, '[g]iven his [Arafat's] failure, the Israeli Government feels it must strike at terrorist networks that are killing its citizens';

Whereas Israel's military operations are an effort to defend itself against the unspeakable horrors of ongoing terrorism and are aimed only at dismantling the terrorist infrastructure in the Palestinian areas, an obligation Arafat himself undertook but failed to carry out; and

Whereas the process of Israeli withdrawal is nearly complete: Now, therefore, be it

Resolved, That the House of Representatives--

- (1) stands in solidarity with Israel as it takes necessary steps to provide security to its people by dismantling the terrorist infrastructure in the Palestinian areas;
- (2) remains committed to Israel's right to self-defense and supports additional United States assistance to help Israel defend itself;
- (3) condemns the recent wave of Palestinian suicide bombings;
- (4) condemns the ongoing support of terror by Yasir Arafat and other members of the Palestinian leadership;
- (5) demands that the Palestinian Authority at last fulfill its commitment to dismantle the terrorist infrastructure in the Palestinian areas, including any such infrastructure associated with PLO and Palestinian Authority entities tied directly to Yasir Arafat;
- (6) is gravely concerned that Arafat's actions are not those of a viable partner for peace;
- (7) urges all Arab states to declare their unqualified opposition to all forms of terrorism, including suicide bombing;
- (8) commends the President for his leadership in addressing the Israeli-Palestinian conflict, particularly the efforts of the Administration to engage countries throughout the region to condemn and prevent terrorism and to prevent a widening of the conflict;
- (9) urges all parties in the region to pursue vigorously efforts to establish a just, lasting, and comprehensive peace in the Middle East; and
- (10) encourages the international community to take action to alleviate the humanitarian needs of the Palestinian people.

Attest:
Clerk.



US SENATE, RESOLUTION 247 EXPRESSING SOLIDARITY WITH ISRAEL AND REAFFIRMING COMMITMENT TO ISRAEL'S RIGHT TO SELF-DEFENSE, 2 MAY 2002

[The resolution was introduced by Joseph Lieberman (CT) on 22 April and passed by 94:2 on 2 May.]

Mr. Lieberman (for himself, Mr. Smith of Oregon, Mr. Daschle, Mr. Cleland, and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on Foreign Relations.

Expressing solidarity with Israel in its fight against terrorism.

Whereas the United States and Israel are now engaged in a common struggle against terrorism and are on the frontlines of a conflict thrust upon them against their will;

Whereas President George W. Bush declared on November 21, 2001, 'We fight the terrorists and we fight all of those who give them aid. America has a message for the nations of the world: If you

harbor terrorists, you are terrorists. If you train or arm a terrorist, you are a terrorist. If you feed a terrorist or fund a terrorist, you are a terrorist, and you will be held accountable by the United States and our friends'; and

Whereas the United States has committed to provide resources to states on the frontline in the war against terrorism: Now, therefore, be it

Resolved, That the Senate-

- (1) stands in solidarity with Israel, a frontline state in the war against terrorism, as it takes necessary steps to provide security to its people by dismantling the terrorist infrastructure in the Palestinian areas;
- (2) remains committed to Israel's right to self-defense;
- (3) will continue to assist Israel in strengthening its homeland defenses;
- (4) condemns Palestinian suicide bombings;
- (5) demands that the Palestinian Authority fulfill its commitment to dismantle the terrorist infrastructure in the Palestinian areas;
- (6) urges all Arab states, particularly the United States' allies, Egypt and Saudi Arabia, to declare their unqualified opposition to all forms of terrorism, particularly suicide bombing, and to act in concert with the United States to stop the violence; and
- (7) urges all parties in the region to pursue vigorously efforts to establish a just, lasting, and comprehensive peace in the Middle East.



**US SECRETARY OF STATE COLIN POWELL, REMARKS ON THE
"MADRID QUARTET" INITIATIVE TO CONVENE A REGIONAL PEACE
CONFERENCE IN THE MIDDLE EAST, 2 MAY 2002 [EXCERPTS]**

[See also previous document]

Good afternoon, ladies and gentlemen. I am pleased to welcome to the State Department today Secretary-General Annan, Foreign Minister Ivanov, Foreign Minister Pique and High Representative Solana of the European Union to continue the discussion that we began in Madrid on April 10th on ways to end the violence and move towards peace in the Middle East.

I expressed my appreciation to my colleagues for the declaration that we produced in Madrid on the 10th of April, and I expressed to them how important it was for me to have this unified body of opinion and thought behind me as I went through the Middle East and continued my work on behalf of President Bush and all of my colleagues represented here to try to move the process forward in the Middle East.

We also determined that it was important for us to remain together, to continue the dialogue, because this is quite a grouping up here; and I think it is a grouping that, working with the parties in the region, can produce success if we stick with it, if we show persistence and determination.

The United States, the United Nations, the European Union and the Russian Federation are committed to helping bring about a just, comprehensive and lasting peace in the Middle East. We are working for realization of the vision expressed by President Bush on April 4th of a Middle East where two states, Israel and Palestine, live side by side in peace and security with an internationally recognized border.

Terrorism and use of force only move the parties further from that goal. The only way forward is through negotiations guided by United Nations Resolutions 242, 338 and 1397. Saudi Crown Prince Abdullah's important initiative, recently endorsed by the Arab League, should also play a very, very important and helpful role as we move forward.

We are encouraged by the peaceful resolution of the standoff in Ramallah, and we are especially pleased that international diplomacy could play a constructive role in defusing a situation that many predicted

could only end in violence. We are pleased that Chairman Arafat now has the opportunity to show leadership. No longer contained in the Muqatta, I trust that the Chairman will now move in a new direction that will allow his leadership position to be used to denounce terrorism, denounce violence, and to say to the Palestinian people and to the organizations within the Palestinian movement that this is the time to find a peaceful way forward. And I have encouraged the Chairman to speak and act in this way in the meetings that I had with him, and I hope that now he will speak and act in that way as we move forward.

We are also hopeful that we will see a non-violent end to the current standoff at the Church of the Nativity in Bethlehem. This is a holy place, and all of us will be in touch with the parties to encourage them to find an immediate solution to this problem, so that the world does not continue to see this terrible picture on its television screens every evening.

We, the Quartet, as we have named ourselves, are committed to working with the Israelis and the Palestinians, with Arab governments and with the international community to restore the hope of all the people in the region for a peaceful, secure and prosperous future. Our strategy, embracing the principles and goals set forth by President Bush, by Crown Prince Abdullah and by the UN resolutions that I made reference to earlier, consist of three elements to our strategy. First, a restoration of security, security from terror and violence for Israelis and Palestinians. We'll be encouraging Chairman Arafat to rebuild his security apparatus. We will ask for maximum efforts from the Palestinian Authority to restore calm.

To assist in this, the Quartet agrees on the need for making an assessment of Palestinian capabilities, setting clear security performance standards, working to establish effective and responsible Palestinian security institutions, and finding ways for those institutions to work closely with Israeli institutions as we move forward to restore confidence between the two sides.

Our Director of Central Intelligence, George Tenet, has played an important role in the past in this kind of work, and I expect he will play an important role in the future. And General Tony Zinni, who has become very familiar with the security situation in the region in recent months, is also available to return to the region in the near future.

The second part of our strategy is to address the urgent humanitarian needs and make sure that we get about the task of rebuilding strong, accountable, democratic and market-oriented institutions for Palestinians as the basis for a vibrant Palestinian state. And I am encouraged by what I have heard from my colleagues here today about their willingness to join in this effort of economic reconstruction and humanitarian relief. The people in the region are in great need. The Palestinian people need access to jobs, need access to markets, need food, need medical supplies, need all kinds of things to relieve their suffering, and we are united in our determination to bring that about.

At the moment, we are particularly concerned about the humanitarian situation in Jenin, and we continue to work with all concerned, on an urgent basis, to meet the pressing needs in that city, as well as throughout the West Bank and Gaza. We welcome the commitment of the international community at Oslo last week, on April 25th, to provide over \$1 billion in assistance. The United States has over \$300 million dedicated to aid the Palestinian people.

In this regard, the Quartet underscores the need for immediate action by Israel to lift closures and facilitate the access that I touched on earlier, as well as maximum efforts by the Palestinian Authority to ensure that the situation on the ground remains calm and no new vulnerabilities are opened up by opening up access. It was agreed that the Quartet will follow up at the working level to address the rebuilding of Palestinian institutions.

And, third, we committed ourselves to the promotion of serious and accelerated negotiations toward a settlement. We discussed how best to begin to prepare for an international conference meeting this summer. The United States, with our partners in the Quartet, will spend the weeks ahead to begin to not only talk amongst ourselves, but with the parties and with other interested members of the international community, to come up with a set of principles that can be the basis for a meeting in the early summer. Details with respect to where and when and who the conveners would be remain to be de-

terminated. But this is a time for prompt action to take advantage of this new window of opportunity that has been presented to us, and we intend to do just that.

President Bush has said that conflict in the Middle East is not inevitable; neither is peace. The United States will do its part, and I'm pleased that our fellow members in the Quartet have made that same commitment. The Israelis, the Palestinians, our Arab friends, and the international community must also rise to the challenges ahead.

Speaking of our Arab friends in the region, I must say that we are very pleased with the new attitude shown by the Arab League, by their adoption of the Crown Prince's initiative, but, more importantly, by their willingness to play a more effective role and a more aggressive role in representing the interests not only of the Arab world but the interests of the Palestinian people, and we look forward to working with them.

And, once again, I would like to thank my colleagues for being here today, and we're prepared to take your questions. [...]



**UN SECRETARY-GENERAL KOFI ANNAN, REMARKS ON THE
"MADRID QUARTET" INITIATIVE TO CONVENE A REGIONAL PEACE
CONFERENCE IN THE MIDDLE EAST, 2 MAY 2002 [EXCERPTS]**

[See also previous document]

Let me, first of all, thank you very much, Secretary of State, for hosting this meeting, and, ladies and gentlemen, for coming this afternoon.

On the question of the multinational force, which we also discussed briefly this afternoon, my proposal was based on the premise that the mistrust and the enmity between the two sides is so deep that they are going to need a third party mechanism, a third party presence to help them as we move ahead. And the idea of the force was to help create a secure and calm environment that will allow for reconstruction, delivery of humanitarian assistance, and as we try to strengthen Palestinian institutions, including security, so that they can honor their commitments, as you have heard the Secretary of State talk about reconstruction and rebuilding of institutions. And I thought the presence would also give us the space that we need to continue political and diplomatic discussions.

And so it is part of the package, not separate from the efforts we are trying to make to find a solution. I'm encouraged that there are US and British wardens on the ground monitoring the imprisonment of the six. Let me now turn to the Jenin issue. I think my position and intentions have been made very clear through my letter to the Council and the discussions that we held in the Council yesterday. The Council is still deliberating, and they are going to write to me today. I hope I will get a letter from them at the end of the day. I don't know what next they will do, but there is a paragraph in the draft letter which I have seen which would require that we proceed and prepare a report on Jenin with all available information, implying: do it even if you cannot get on the ground.

I have not received the letter yet, and they are discussing it. I don't know whether that paragraph will survive or not, but it is likely to survive. Once I get that mandate, I will have to determine who undertakes that work.

Thank you very much. [...]



**UN SECRETARY GENERAL, REPORT PREPARED PURSUANT TO
GENERAL ASSEMBLY RESOLUTION ES-10/10 (RE. OPERATION
“DEFENSIVE SHIELD”), 7 MAY 2002**

SUMMARY

This report was prepared on the basis of General Assembly resolution ES-10/10, adopted on 7 May 2002, in which the Assembly requested the Secretary-General to present a report, drawing upon the available resources and information, on the recent events that took place in Jenin and other Palestinian cities. The General Assembly requested the report following the disbandment of the United Nations fact-finding team that had been convened by the Secretary-General in response to Security Council resolution 1405 (2002) (2002) of 19 April 2002.

The report was written without a visit to Jenin or the other Palestinian cities in question and it therefore relies completely on available resources and information, including submissions from five United Nations Member States and Observer Missions, documents in the public domain and papers submitted by non-governmental organizations. The Under-Secretary-General for Political Affairs wrote to the Permanent Representative of Israel and the Permanent Observer of Palestine to the United Nations requesting them to submit information but only the latter did so. In the absence of a response from Israel, the United Nations has relied on public statements of Israeli officials and publicly available documents of the Government of Israel relevant to the request in resolution ES-10/10.

This report covers the period from approximately the beginning of March to 7 May 2002. The report sets out the context and background of the situation in Israel and the Occupied Palestinian Territory, including the security, humanitarian and human rights responsibilities of both parties. It briefly charts the rising violence since September 2000, which had by 7 May 2002 caused the deaths of 441 Israelis and 1,539 Palestinians.

The report describes the pattern of attacks carried out by Palestinian armed groups against Israel operating from the West Bank and Israel's military action during Operation Defensive Shield, which began on 29 March with an incursion into Ramallah, followed by entry into Tulkarm and Qalqilya on 1 April, Bethlehem on 2 April, and Jenin and Nablus on 3 April. By 3 April, six of the largest cities in the West Bank, and their surrounding towns, villages and refugee camps, had been occupied by the Israeli military. Operation Defensive Shield was characterized by extensive curfews on civilian populations and restrictions, indeed occasional prohibitions, on the movement of international personnel, including at times humanitarian and medical personnel as well as human rights monitors and journalists. In many instances, humanitarian workers were not able to reach people in need. Combatants on both sides conducted themselves in ways that, at times, placed civilians in harm's way. Much of the fighting during Operation Defensive Shield occurred in areas heavily populated by civilians and in many cases heavy weaponry was used. As a result of those practices, the populations of the cities covered in this report suffered severe hardships. The Israeli Defence Forces announced the official end of the operation on 21 April but its consequences lasted until the end of the period under review and beyond.

I. INTRODUCTION

1. The present report is submitted pursuant to resolution ES-10/10 adopted on 7 May 2002 by the General Assembly at its tenth emergency special session. In paragraph 6 of the resolution the Assembly requested the Secretary-General to present a report, drawing upon the available resources and information, on the recent events that took place in Jenin and other Palestinian cities.

II. SECURITY COUNCIL RESOLUTION 1405 (2002)

2. On 19 April 2002, the Security Council unanimously adopted resolution 1405 (2002), in which it welcomed my initiative to develop accurate information regarding recent events in the Jenin refugee camp through a fact-finding team. This resolution was tabled in the Council by the delegation

of the United States of America following telephone conversations that I had with Israel's Foreign Affairs and Defence Ministers at their initiative, during which I was assured that Israel would cooperate fully with the team that I would designate.

3. Pursuant to resolution 1405 (2002), on 22 April 2002, I established a fact-finding team composed of Martti Ahtisaari, Sadako Ogata and Cornelio Sommaruga. Headed by Mr. Ahtisaari, the team's members also included four senior advisers: Major General (ret.) William Nash, as Military Adviser; Deputy Commissioner Peter Fitzgerald, as Police Adviser; Ambassador Tyge Lehmann, as Legal Adviser; and Helena Ranta, as Medical/Legal Adviser. In addition, the team was provided with technical expertise in military, security and counter-terrorism issues, as well as forensic science and general support staff. The team gathered at Geneva and began to prepare a work plan based on three elements: (a) events in Jenin in the period immediately prior to Israel's military operation; (b) the battle in Jenin during Operation Defensive Shield; and (c) efforts by humanitarian workers to gain access to the civilian population in Jenin after the end of hostilities.
4. After the appointment of the members of the team, the Government of Israel raised a number of concerns regarding the work of the team that made its timely deployment impossible and led me to disband the team. On 1 May 2002 I sent a letter to the President of the Security Council (S/2002/504) describing my efforts to implement resolution 1405 (2002), which read, in part:
 - (a) I instructed that the team should gather in Geneva on 24 April and proceed to the area on 25 April. However, soon after I announced my plan to deploy the team, the Government of Israel began to express concerns related to the composition of the team, the scope of its mandate, how this mandate would be carried out and various procedural matters. At the request of the Government of Israel, I agreed that the Secretariat would meet with a delegation from Israel and listen to Israel's concerns and engage in a clarificatory process. I set back the arrival of the team in the area to 27 April.
 - (b) The discussions with the Israeli delegation were held in a very constructive atmosphere on 25 and 26 April. By the time the Israeli delegation was able to report back on the results of those meetings, the Sabbath had begun in Israel. The Foreign Minister of Israel informed me that the Israeli Cabinet would address the issue at its scheduled meeting on 28 April and requested that the team delay its arrival for another day. I acceded to this request and the Under-Secretary-General for Political Affairs briefed the Security Council accordingly.
 - (c) On 27 April, I spoke on the telephone with the Prime Minister of Israel, after which I dispatched letters to the Permanent Representative of Israel and the Permanent Observer of Palestine setting out the parameters of work of the team. These letters were circulated to Security Council members on the same day. The Permanent Representative of Israel sent me a reply late on 27 April, in which he put forward several concerns on the part of his Government. The Under-Secretary-General for Political Affairs responded orally to the Permanent Representative of Israel.
 - (d) On 28 April, the Israeli Cabinet did not reach a decision on the fact-finding team; I was informed by Israel that the matter would be reviewed by the Cabinet at a meeting the following day. The Secretariat briefed the Security Council on the information I had received on 28 April, and the Council agreed that the President of the Council would express its continuing support for my efforts to implement resolution 1405 (2002).
 - (e) The Israeli Cabinet did not meet on 29 April. Instead, I was informed by the Permanent Representative of Israel that the Cabinet had scheduled a meeting for early on 30 April. The Secretariat briefed the Security Council accordingly.
 - (f) Israel's Ministerial Committee on National Security (the Security Cabinet) met early on 30 April, after which it issued the following statement: "Israel has raised essential issues before the United Nations for a fair examination. As long as these terms have not been met, it will not be possible for the clarification process to begin." In the absence of a formal indication of the terms on which the Government of Israel would cooperate with the fact-finding team, this statement was reviewed against the backdrop of various public statements by, and telephone conversations that I held with, senior Israeli officials. I was drawn reluctantly to the conclusion that, while continuing to express its concerns to the United Nations mainly in the form of procedural issues, Israel had developed concerns about Security Council resolution 1405 (2002) that were fundamental in nature.
 - (g) Throughout this process, the United Nations has made every effort to accommodate the concerns of the Government of Israel within the mandate given to me by the Security Council. It

was made quite clear that the team was tasked specifically to develop information about the recent events in Jenin and that the facts established would be used solely for its report to me. In my view, the team would have conducted its assignment in the field in a professional and fair manner and produced an accurate, thorough, balanced and credible report.

- (h) Clearly the full cooperation of both sides was a precondition for this, as was a visit to the area itself to see the Jenin refugee camp at first hand and to gather information. This is why the Secretariat engaged in a thorough clarification process with the Israeli delegation.
 - (i) In the light of yesterday's announcement by the Government of Israel, it seems evident that the team will not be able to proceed to the area and begin its mission in the near future. While I have not received any further written communication from the Israeli Government since 27 April, in my telephone conversations over the past two days, high-level Israeli officials have broached issues additional to those raised by the delegation that came to New York last week and there have been indications that this list may not be exhaustive.
 - (j) As the Secretariat noted in its briefings to the Council, time is also a critical factor. With the situation in the Jenin refugee camp changing by the day, it will become more and more difficult to establish with any confidence or accuracy the "recent events" that took place there.
 - (k) For these reasons, it is my intention to disband the fact-finding team tomorrow. I regret being unable to provide the information requested by the Council in resolution 1405 (2002), and especially that the long shadow cast by recent events in the Jenin refugee camp will remain in the absence of such a fact-finding exercise.
5. On 3 May 2002 I disbanded the team. In writing to the President of the Security Council to inform him of this, I expressed my deep appreciation to President Ahtisaari, Mrs. Ogata, Mr. Sommaruga and all the members of the team for their efforts to support my actions intended to implement resolution 1405 (2002). I stated that I had every confidence that the team would have conducted itself in a professional and fair manner in producing the report requested by the Council.

III. REPORT PREPARED PURSUANT TO PARAGRAPH 6 OF RESOLUTION ES-10/10

A. Introduction

6. In order to comply with the General Assembly's request in resolution ES-10/10, on 14 May 2002, the Under-Secretary-General for Political Affairs addressed letters to the Permanent Representative of Israel and the Permanent Observer of Palestine to the United Nations, requesting them to submit information relevant to the implementation of that resolution. In addition, on 14 May 2002, the Under-Secretary-General for Political Affairs addressed a note verbale to all other Member States and Observer Missions requesting the submission of relevant information. On 3 June 2002, the Under-Secretary-General for Political Affairs addressed another note verbale to Member States and Observer Missions extending the deadline for submissions to 14 June 2002.
7. On 3 June 2002, in response to the letter of the Under-Secretary-General for Political Affairs, the Permanent Observer of Palestine submitted materials regarding recent events in Jenin and other Palestinian cities (see annex I). In addition, five Member States and Observer Missions have submitted information, responding to the note verbale of 14 May (see annexes II-IV). As at the date of submission of this report, the Government of Israel has not responded to the information request. In the absence of a response from Israel, the United Nations has relied on public statements of Israeli officials and other publicly available documents of the Government of Israel relevant to the request in resolution ES-10/10.
8. This report covers the period from approximately the beginning of March to 7 May 2002. In keeping with the request of the General Assembly, the substantive portion of the report is based on sources of information available to the United Nations, including those in the public domain and submitted by non-governmental organizations. The report begins by setting out the context and background, before describing recent events.

B. Security, humanitarian and human rights responsibilities

9. Subsequent to the signing on 13 September 1993 of the Declaration of Principles on Interim Self-Government Arrangements, the Government of Israel and the Palestine Liberation Organization (PLO) signed a further agreement that, inter alia, specified the security-related responsibilities of the

two sides. The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip signed on 28 September 1995 by Israel and the Palestine Liberation Organization details the mechanisms for the extension of Palestinian self-rule to portions of the West Bank. The main feature of the Agreement was the provision for the division of the West Bank into three areas, each with varying degrees of Israeli and Palestinian responsibility. Area A consisted of the seven major Palestinian towns - Jenin, Qalqilya, Tulkarm, Nablus, Ramallah, Bethlehem, Jericho and Hebron - in which Palestinians would have complete responsibility for civilian security. In area B, which comprised all other Palestinian population centres (except for some refugee camps), Israel would retain "overriding security responsibility". In area C, which includes all settlements, military bases and areas, and State lands, Israel would retain sole security responsibility. Area A comprises approximately 10 per cent of the territory of the West Bank.

10. The Interim Agreement also provides that "Israel shall have the overall responsibility for security for the purpose of protecting Israelis and confronting the threat of terrorism". It states that "both sides shall take all measures necessary in order to prevent acts of terrorism, crime and hostilities directed against each other, against individuals falling under the other's authority and against their property, and shall take legal measures against offenders".
11. Israel's obligations in the Occupied Palestinian Territory are set out in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to which Israel is a High Contracting Party. Palestinian residents of the Occupied Territory are "protected persons" under the Convention, which provides that they may not be wilfully killed, tortured, taken as hostages or suffer humiliating or degrading treatment. Israel has obligations not to engage in acts of collective punishment or reprisals and is to refrain from appropriating or extensively destroying the property of protected persons unless such destruction is "rendered absolutely necessary by military operations".
12. The Government of the State of Israel has not, as at the submission of this report, accepted the de jure applicability of the Fourth Geneva Convention of 1949 to all Territory occupied since 1967. Israel has stated that it has undertaken to comply with the humanitarian provisions of the Convention in its administration of the Occupied Palestinian Territory. All other High Contracting Parties, as well as the International Committee of the Red Cross, maintain that the Convention does apply de jure to the Occupied Palestinian Territory.
13. The Palestinian Authority is obligated under international customary law to respect human rights, including to refrain from carrying out attacks against civilians, and is required to prevent groups within its territory from engaging in such attacks. Thus, the Palestinian Authority has the responsibility to protect Israeli civilians from attacks, including suicide bombings, emanating from areas under its security control. Those Palestinian groups that have carried out attacks against civilians have also violated the basic international legal principle of the inviolability of civilian life and property. Acts of terror that take life violate the right to life set forth in the International Covenant on Civil and Political Rights. In addition, those groups, and other armed personnel, are prohibited under international humanitarian law from establishing military bases in densely populated civilian areas.

C. Rising violence

14. Since the outbreak of crisis in September 2000, the origins of which have been comprehensively set out in the report of the Sharm el-Sheikh Fact-Finding Committee headed by former Senator George Mitchell, there has been sustained violence between the parties, fluctuating in intensity, causing by 7 May 2002 the deaths of 441 Israelis and 1,539 Palestinians. By the beginning of 2002, the parties were already locked in an accelerating cycle of violent attacks. This cycle of violence further increased in intensity through the early months of this year. The violence reached a high point in the months of March and April, which saw suicide bomb attacks against Israelis by Palestinian groups increase in frequency, and two waves of incursions by the Israeli Defence Forces (IDF) into Palestinian towns and villages in the West Bank, including areas under the administrative and security responsibility of the Palestinian Authority.
15. On 12 March 2002, after a series of terrorist attacks carried out by Palestinians earlier in that month, and as the first wave of IDF incursions into the West Bank was coming to a close, I told the Security Council in a briefing that I believed that Israeli-Palestinian tensions were at boiling point and that the situation was the worst in 10 years. I called on Palestinians to stop all acts of

terrorism and all suicide bombings, stating that such attacks were morally repugnant and caused harm to their cause. I called on Israelis to stop the bombing of civilian areas, the extrajudicial killings, the demolitions, and the daily humiliation of ordinary Palestinians. I asserted that such actions gravely eroded Israel's international standing and fuelled the fires of hatred, despair and extremism among Palestinians. Finally, I urged the political leaders of both peoples - Prime Minister Sharon and Chairman Arafat - to lead their peoples away from disaster.

16. Palestinian terrorist attacks against Israelis continued, followed by Israeli military incursions into Palestinian areas. On 4 April, one week into the second wave of incursions in the West Bank - the Israeli Defence Forces' Operation Defensive Shield - I again briefed the Security Council and called on all members of the international community to consider urgently how best to intercede with the parties to persuade them to draw back from their present course. I told the Council that self-defence was not a blank cheque, and that responding to terrorism did not in any way free Israel from its obligations under international law, nor did it justify creating a human rights and humanitarian crisis in the Occupied Palestinian Territory. Equally, the Palestinian Authority seemed to believe that failing to act against terrorism, and inducing turmoil, chaos and instability, would cause the Government and people of Israel to buckle - which I believed they would not. I called on the Government of Israel to comply with Security Council resolution 1402 (2002) and withdraw its forces from the Palestinian territory it had occupied during Operation Defensive Shield. I urged Chairman Arafat to exercise political leadership and set the course for the future of his people.
17. On more than one occasion during this very difficult period, I expressed to the Security Council my view that, despite the fact that bitterness and despair were at an all-time high on both sides, we all needed to cling to the conviction that, in the end, however long it would take, there would one day have to be a peaceful settlement of this conflict. While the road back to the negotiating table would not be easy or smooth, both sides, with the help of the international community, must restart a process based on Security Council resolutions 1397 (2002) and 1402 (2002) which, taken together, provide the vision for a permanent settlement of the Israeli-Palestinian conflict and the immediate security and political steps needed to move beyond the present crisis.
18. From the beginning of March until 7 May, Israel endured approximately 16 bombings, the large majority of which were suicide attacks. More than 100 persons were killed and scores more wounded. Throughout this period, the Government of Israel, and the international community, reiterated previous calls on the Palestinian Authority to take steps to stop terrorist attacks and to arrest the perpetrators of such attacks.
19. During this same period, IDF conducted two waves of military incursions primarily in the West Bank, and air strikes against both the West Bank and the Gaza Strip. The first wave began on 27 February 2002 and ended on approximately 14 March. Those incursions, which Israel stated were in pursuit of Palestinians who had carried out attacks against Israelis, involved the use of ground troops, attack helicopters, tanks and F-16 fighter jets in civilian areas, including refugee camps, causing significant loss of life among civilians.
20. Over the course of two days, 8 and 9 March, 18 Israelis were killed in two separate Palestinian attacks and 48 Palestinians were killed in the Israeli raids that followed.
21. Israeli military retaliation for terrorist attacks was often carried out against Palestinian Authority security forces and installations. This had the effect of severely weakening the Authority's capacity to take effective action against militant groups that launched attacks on Israelis. Militant groups stepped into this growing vacuum and increased their attacks on Israeli civilians. In many cases, the perpetrators of these attacks left messages to the effect that their acts were explicitly in revenge for earlier Israeli acts of retaliation, thus perpetuating and intensifying the cycle of violence, retaliation and revenge.
22. It was against this backdrop that the most extensive Israeli military incursions in a decade, Operation Defensive Shield, were carried out. The proximate cause of the operation was a terrorist attack committed on 27 March in the Israeli city of Netanya, in which 28 people were killed and 140 injured. I condemned the terrorist attack from the Beirut Summit of the League of Arab States as morally repugnant and later described it to the Security Council as a blow against the very possibility of coexistence. On 29 March 2002, the Cabinet of the Government of Israel issued a communiqué approving "a wide-ranging operational action plan against Palestinian terrorism" and, to that end, "the mobilization of reserves as per operational need". The objective was to

"defeat the Palestinian terror infrastructure and to prevent the recurrence of the multiple terrorist attacks which have plagued Israel".

D. Operation Defensive Shield

23. Operation Defensive Shield began on 29 March with an incursion into Ramallah, during which IDF seized most of the buildings in the headquarters compound of Chairman Arafat. Operations followed in Tulkarm and Qalqilya on 1 April, Bethlehem on 2 April, and in Jenin and Nablus on 3 April. By 3 April, six of the largest cities in the West Bank, and their surrounding towns, villages and refugee camps, were occupied by the Israeli military. The Israeli Defence Forces announced the official end of the operation on 21 April as they completed their withdrawal from Nablus and parts of Ramallah, while continuing negotiations to lift the siege at the Church of the Nativity in Bethlehem. The IDF withdrawals from Palestinian cities were, in general, not to pre-29 March positions, but rather to positions encircling the cities. Since then, the Israeli Defence Forces have made additional incursions into many of the Palestinian towns and cities from which they had withdrawn at the conclusion of Operation Defensive Shield, and as this report was being prepared had re-entered many Palestinian towns.
24. A few generally applicable observations can be made about the incursions during Operation Defensive Shield. In each incursion, Israeli troops, tanks and armoured personnel carriers entered the cities and IDF imposed curfews on their civilian populations. In each case, the incursions were accompanied by the entry of IDF into nearby villages and refugee camps. The Israeli Defence Forces declared the cities they had entered "special closed military areas", imposing restrictions on, and at times completely barring, the movement of international personnel, including at times humanitarian and medical personnel as well as human rights monitors and journalists. As a result of these restrictions on movement, including the round-the-clock curfews that lasted with periodic liftings throughout the incursions, the civilian populations of the cities suffered severe hardships, compounded in some places by the extensive fighting that occurred during the operation. As was the case with the first wave of incursions from 27 February to 14 March described above, during Operation Defensive Shield, in many instances, IDF made use of heavy weaponry in Palestinian civilian areas.
25. In each of these incursions, the Israeli Defence Forces arrested Palestinians who they believed were involved in armed actions against Israel, including suicide bombings and other terrorist attacks against Israeli civilians. IDF also, in most of these incursions, destroyed infrastructure they believed to be part of the operating capacity of militant groups, as well as the infrastructure of the Palestinian Authority security services. In addition, widespread damage was caused to the civilian capacity of the Palestinian Authority and to private property.
26. It was not only the Palestinian people whose movement was restricted during Operation Defensive Shield. In many instances, humanitarian workers were not able to reach people in need to assess conditions and deliver necessary assistance because of the sealing of cities, refugee camps and villages during the operation. There were also cases of Israeli forces not respecting the neutrality of medical and humanitarian workers and attacking ambulances.
27. The Government of Israel has asserted that ambulances were used to transport Palestinian combatants and weapons; and that the Israeli Defence Forces have in many instances acted to prevent that misuse. It has also stated that IDF policy is to allow free passage in cases of humanitarian need, and that Israeli forces continuously provided food and medical assistance to the Palestinian population.
28. As a result of the severe restrictions on movement, human rights workers and journalists were unable to observe the conduct of the parties and provide independent reporting on that conduct. Some journalists reported being fired at by members of IDF.
29. There were numerous reports of IDF compelling Palestinian civilians to accompany them during house searches, check suspicious subjects, stand in the line of fire from militants and in other ways protect soldiers from danger. Witnesses claim that this was done in the Jenin camp and other Palestinian cities. While IDF soldiers have acknowledged in press reports that they forced Palestinians to knock on doors for house searches, they deny the deliberate use of civilians as human shields. The Government of Israel has denied that its military personnel systematically engage in this practice. In response to a petition filed on 5 May by five Israeli, Palestinian and international human rights organizations, the State Attorney's Office of the Government of Israel

informed the High Court of Justice of Israel that "in light of the various complaints received ... and so as to avoid all doubt, the [IDF] has decided to immediately issue an unequivocal order ... that forces in the field are absolutely forbidden to use civilians as a means of 'living shield'".

30. According to local human rights groups, more than 8,500 Palestinians were arrested during the first wave of incursions in February and March. Reportedly, most of the 2,500 Palestinians arrested during the first wave of incursions in February and March were released within a week, whereas many of the more than 6,000 Palestinians arrested during Operation Defensive Shield after 29 March were held for longer periods without any outside contact. On 5 April, the Commander of the Israeli Defence Forces in the West Bank issued Military Order 1500, which gave soldiers the authority to hold detainees for a period of up to 18 days without access to a lawyer, family members or judicial review. This type of detention can be extended by a military judge for up to 90 days. The order was retroactive to 29 March and was valid for 60 days. By 6 May an alleged 7,000 Palestinians had been arrested under Operation Defensive Shield, of whom 1,500 were still in detention. In many instances during the operation, IDF followed a pattern of using loudspeakers to summon males between 15 and 45. According to human rights reports, significant numbers of the men arrested were blindfolded and handcuffed, not allowed to use a lavatory, and deprived of food or blankets during their first day in detention.
31. In addition to Military Order 1500, the Government of Israel has access to a procedure of administrative detention under which detainees can be held without charge or trial, and which can be renewed indefinitely. The Israeli Defence Forces and the State Attorney have told Amnesty International that from 450 to 990 people were in administrative detention as of May 2002.
32. Of particular concern is the use, by combatants on both sides, of violence that placed civilians in harm's way. Much of the fighting during Operation Defensive Shield occurred in areas heavily populated by civilians, in large part because the armed Palestinian groups sought by IDF placed their combatants and installations among civilians. Palestinian groups are alleged to have widely booby-trapped civilian homes, acts targeted at IDF personnel but also putting civilians in danger. IDF is reported to have used bulldozers, tank shelling and rocket firing, at times from helicopters, in populated areas.
33. Operation Defensive Shield resulted in the widespread destruction of Palestinian private and public property. Nablus was especially hard hit, especially in its old city, which contained many buildings of cultural, religious and historic significance. Much of the destruction appears to have occurred in the fighting as a result of the use by IDF of tanks, helicopter gunships and bulldozers. United Nations agencies and other international agencies, when allowed into Ramallah and other Palestinian cities, documented extensive physical damage to Palestinian Authority civilian property. That damage included the destruction of office equipment, such as computers and photocopying machines, that did not appear to be related to military objectives. While denying that such destruction was systematic, the Israeli Defence Forces have admitted that their personnel engaged in some acts of vandalism, and are carrying out some related prosecutions.
34. The Government of Israel justified each of the incursions as being necessary to destroy the infrastructure of Palestinian militant groups that had carried out attacks on Israel with increasing frequency in February and March 2002. In each case, Israel has published information about its assessment of the infrastructure of militant groups. More details regarding such information are included in the sections of the report that describe events in specific Palestinian cities.
35. Closures of cities, villages and refugee camps and curfews exacted a substantial humanitarian price from the civilian populations in the affected areas. That burden was exacerbated in most cities occupied during Operation Defensive Shield by significant periods of time during which utilities (electricity, water and telephone) were cut or severely curtailed. After an initial period of round-the-clock curfews without any relief, the Israeli Defence Forces instituted a periodic lifting. The closures and curfews posed particular problems for those with chronic medical problems, who were unable to obtain care and medications. After the lifting of the closures, when they were able to assess the condition of the affected populations, humanitarian agencies reported shortages of food and other basic supplies among Palestinians affected by the incursions. In addition to these humanitarian consequences of the closures and curfews, the restrictions had a devastating economic impact, virtually shutting down the economy of the Palestinian Authority by impeding normal business activity and preventing Palestinians from going to work.

36. Terrorist attacks against Israeli civilians continued in the aftermath of Operation Defensive Shield, and most Palestinian cities endured further incursions after the end of the operation up to the end of the period under consideration in this report.

E. Overall effects of the incursions on the Palestinian population

37. According to a report prepared by United Nations agencies in the Occupied Palestinian Territory, the humanitarian and development effects of the two waves of incursions were as follows:
- (a) A total of 497 Palestinians were killed in the course of the IDF reoccupation of Palestinian area A from 1 March to 7 May 2002 and in the immediate aftermath;
 - (b) Palestinian health authorities and the Palestinian Red Crescent Society reported approximately 1,447 wounded with some 538 live-ammunition injuries (for the same period);
 - (c) Round-the-clock curfews were imposed in cities, refugee camps, towns and villages affecting an estimated 1 million persons; over 600,000 of them remained under a one-week curfew, while 220,000 urban residents lived under curfew regimes for a longer duration and without vital supplies and access to first aid;
 - (d) Severe internal and external closures continue to paralyse normal economic activity, and movement of persons and goods throughout the West Bank; in the Gaza Strip, the unprecedented 38-day-long internal closures divided the Strip into three intermittently isolated areas;
 - (e) Protracted curfews, compounded by severe restrictions on commercial circulation of supplies, rendered the food security situation in the Occupied Palestinian Territory precarious: over 630,000 persons or roughly 20 per cent of the resident population were considered food security vulnerable;
 - (f) Food deficit was increasingly observed in various regions of the Occupied Palestinian Territory, the Gaza food market being particularly distorted. Restrictions on food imports resulted in a mild increase in the overall food price level in the West Bank and in a considerable rise (up to 25-30%) of prices for staple commodities in the Gaza Strip;
 - (g) Over 2,800 refugee housing units were damaged and 878 homes were demolished or destroyed during the reporting period, leaving more than 17,000 people homeless or in need of shelter rehabilitation;
 - (h) Non-refugee housing in Nablus, Ramallah, Bethlehem, Jenin town and Tulkarm and a number of surrounding villages sustained damage ranging from minor to structural;
 - (i) Students in eight West Bank districts were prevented from attending school. It is estimated that, during the reporting period, some 11,000 classes were missed and 55,000 teaching sessions were lost;
 - (j) Fifty Palestinian schools were damaged by Israeli military action, of which 11 were totally destroyed, 9 were vandalized, 15 used as military outposts and another 15 as mass arrest and detention centres.
38. Even before the recent military operation, economic and social conditions in the West Bank and Gaza were in a state of crisis. According to an assessment by the Office of the United Nations Special Coordinator, the 18 months of confrontations and restrictions on movement prior to March and April had witnessed a more than 20 per cent reduction in domestic production levels, unprecedented levels of unemployment, a 30 per cent decline in per capita income and a more than doubling of the poverty rate, to some 45 per cent of the Palestinian population.
39. While it is difficult to ascertain with precision the magnitude of the socio-economic effects of the incursions, available preliminary information indicates a sharp intensification of the hardships faced by the population. That information suggests that the principal economic result has been a near-complete cessation of all productive activity in the main West Bank centres of manufacturing, construction, commerce and private and public services. Activities in those centres account for at least 75 per cent of the value of goods and services produced in the West Bank. The production stoppage has imposed immediate income losses on employees and owners of businesses, as well as losses in tax revenues for the Palestinian Authority. In addition, suppliers and buyers in the urban areas directly affected have close economic links to rural areas; the isolation of the former has significant negative effects on the latter. This is also true of the relationship between businesses in East Jerusalem and the West Bank.
40. In addition to the inability of households to access medical, educational or other services during Operation Defensive Shield, people have been separated from their means of income. This has

resulted in lost opportunities to earn income, further compressing household income and savings and exacerbating the severe decline in living levels of the last 18 months. As a result, the West Bank will witness even higher levels of poverty in the short- to medium-term.

41. According to the World Bank, reconstruction costs for physical and institutional damage to Palestinian Authority civilian infrastructure resulting from the incursions in the West Bank in March and April 2002 would total US\$ 361 million.
42. While the United Nations does not have a mandate to monitor and report on conditions in Israel, as it does in the Occupied Palestinian Territory, it is apparent that the violence, specifically terrorist attacks, has caused enormous suffering for the Israeli people and the country's economy.

F. Recent events in Jenin

Introduction

43. In the early hours of 3 April 2002, as part of Operation Defensive Shield, the Israeli Defence Forces entered the city of Jenin and the refugee camp adjacent to it, declared them a closed military area, prevented all access, and imposed a round-the-clock curfew. By the time of the IDF withdrawal and the lifting of the curfew on 18 April, at least 52 Palestinians, of whom up to half may have been civilians, and 23 Israeli soldiers were dead. Many more were injured. Approximately 150 buildings had been destroyed and many others were rendered structurally unsound. Four hundred and fifty families were rendered homeless. The cost of the destruction of property is estimated at approximately \$27 million.

Jenin refugee camp before 3 April 2002

44. On the eve of Israel's military incursion in April, the Jenin refugee camp, established in 1953, was home to roughly 14,000 Palestinians, of whom approximately 47 per cent were either under 15 or over 65 years of age. It was the second largest refugee camp in the West Bank in population and was densely populated, occupying a surface area of approximately 373 dunums (one square kilometre). The Jenin refugee camp came under full Palestinian civil and security control in 1995. It is in close proximity to Israeli settlements and is near the "green line".
45. According to both Palestinian and Israeli observers, the Jenin camp had, by April 2002, some 200 armed men from the Al-Aqsa Martyrs Brigades, Tanzim, Palestinian Islamic Jihad and Hamas who operated from the camp. The Government of Israel has charged that, from October 2000 to April 2002, 28 suicide attacks were planned and launched from the Jenin camp.
46. The Government of Israel has published information regarding infrastructure within the Jenin camp for the carrying out of attacks. The Israeli Defence Forces point to their discovery in the camp of arms caches and explosive laboratories and the numbers of Palestinian militants killed or arrested there during Operation Defensive Shield. They cite posters glorifying suicide bombers and documents describing Jenin as a "martyr's capital" reportedly found by Israeli soldiers in the camp during the incursion.
47. The Government of Israel and IDF have acknowledged that their soldiers were unprepared for the level of resistance they encountered in Jenin camp, noting that it was "probably the most bitter and harsh" that they had faced. The IDF soldiers who took part in the operation were, for the most part, reservists who had been mobilized only on or after 17 March. Many were called up only after the Passover bombing in Netanya (27 March).

Israeli Defence Force incursion into Jenin city and refugee camp, 3-18 April 2002

48. Although available first-hand accounts are partial, difficult to authenticate and often anonymous, it is possible, through Government of Israel, Palestinian Authority, United Nations and other international sources, to create a rough chronology of events within the Jenin camp from 3 to 18 April 2002. The fighting lasted approximately 10 days and was characterized by two distinct phases: the first phase began on 3 April and ended on 9 April, while the second phase lasted during 10 and 11 April. Most of the deaths on both sides occurred in the first phase but it would appear that much of the physical damage was done in the second.
49. There are allegations by the Palestinian Authority and human rights organizations that in the conduct of their operations in the refugee camp the Israeli Defence Forces engaged in unlawful kill-

- ings, the use of human shields, disproportionate use of force, arbitrary arrests and torture and denial of medical treatment and access. IDF soldiers who participated in the Jenin incursion point to breaches of international humanitarian law on the part of Palestinian combatants within the camp, including basing themselves in a densely populated civilian area and the use of children to transport and possibly lay booby traps.
50. In the account of the Government of Israel of the operation, IDF first surrounded and established control of access into and out of the city of Jenin, allowing its inhabitants to depart voluntarily. Approximately 11,000 did so. According to Israeli sources, in their incursion into the camp IDF relied primarily on infantry rather than airpower and artillery in an effort to minimize civilian casualties, but other accounts of the battle suggest that as many as 60 tanks may have been used even in the first days. Interviews with witnesses conducted by human rights organizations suggest that tanks, helicopters and ground troops using small arms predominated in the first two days, after which armoured bulldozers were used to demolish houses and other structures so as to widen alleys in the camp.
 51. Using loudspeakers, IDF urged civilians in Arabic to evacuate the camp. Some reports, including of interviews with IDF soldiers, suggest that those warnings were not adequate and were ignored by many residents. Many of the inhabitants of the Jenin camp fled the camp before or at the beginning of the IDF incursion. Others left after 9 April. Estimates vary on how many civilians remained in the camp throughout but there may have been as many as 4,000.
 52. As described by the Government of Israel, "a heavy battle took place in Jenin, during which IDF soldiers were forced to fight among booby-trapped houses and bomb fields throughout the camp, which were prepared in advance as a booby-trapped battlefield". The Palestinian Authority acknowledges that "a number of Palestinian fighters resisted the Israeli military assault and were armed only with rifles and... crude explosives". An IDF spokesman offered a slightly different portrayal of the resistance, stating that the soldiers had faced "more than a thousand explosive charges, live explosive charges and some more sophisticated ones, ... hundreds of hand grenades ... [and] hundreds of gunmen". Human rights reports support the assertions that some buildings had been booby-trapped by the Palestinian combatants.
 53. That the Israeli Defence Forces encountered heavy Palestinian resistance is not in question. Nor is the fact that Palestinian militants in the camp, as elsewhere, adopted methods which constitute breaches of international law that have been and continue to be condemned by the United Nations. Clarity and certainty remain elusive, however, on the policy and facts of the IDF response to that resistance. The Government of Israel maintains that IDF "clearly took all possible measures not to hurt civilian life" but were confronted with "armed terrorists who purposely concealed themselves among the civilian population". However, some human rights groups and Palestinian eyewitnesses assert that IDF soldiers did not take all possible measures to avoid hurting civilians, and even used some as human shields.
 54. As IDF penetrated the camp, the Palestinian militants reportedly moved further into its centre. The heaviest fighting reportedly occurred between 5 and 9 April, resulting in the largest death tolls on both sides. There are reports that during this period IDF increased missile strikes from helicopters and the use of bulldozers - including their use to demolish homes and allegedly bury beneath them those who refused to surrender - and engaged in "indiscriminate" firing. IDF lost 14 soldiers, 13 in a single engagement on 9 April. IDF incurred no further fatalities in Jenin after 9 April.
 55. Press reports from the days in question and subsequent interviews by representatives of non-governmental organizations with camp residents suggest that an average of five Palestinians per day died in the first three days of the incursion and that there was a sharp increase in deaths on 6 April.
 56. Fifty-two Palestinian deaths had been confirmed by the hospital in Jenin by the end of May 2002. IDF also place the death toll at approximately 52. A senior Palestinian Authority official alleged in mid-April that some 500 were killed, a figure that has not been substantiated in the light of the evidence that has emerged.
 57. It is impossible to determine with precision how many civilians were among the Palestinian dead. The Government of Israel estimated during the incursion that there were "only dozens killed in Jenin ... and the vast majority of them bore arms and fired upon [IDF] forces". Israeli officials informed United Nations personnel that they believed that, of the 52 dead, 38 were armed men and 14 were civilians. The Palestinian Authority has acknowledged that combatants were among the dead, and has named some of them, but has placed no precise estimates on the breakdown. Human rights or-

- ganizations put the civilian toll closer to 20 - Human Rights Watch documented 22 civilians among the 52 dead, while Physicians for Human Rights noted that "children under the age of 15 years, women and men over the age of 50 years accounted for nearly 38 per cent of all reported fatalities".
58. The Israeli Defence Forces stated at the time that their methods might not change, "because the basic assumption is that we are operating in a civilian neighbourhood". Other accounts of the battle suggest that the nature of the military operation in Jenin refugee camp did alter after 9 April 2002. On that day, in what both the Palestinian Authority and the Government of Israel describe as a "well-planned ambush" 13 IDF soldiers were killed and a number of others wounded. A fourteenth soldier died elsewhere in the camp that day, bringing the IDF death toll during the operation in Jenin to 23.
 59. Following the ambush, IDF appeared to have shifted tactics from house-to-house searches and destruction of the homes of known militants to wider bombardment with tanks and missiles. IDF also used armoured bulldozers, supported by tanks, to demolish portions of the camp. The Government of Israel maintains that "IDF forces only destroyed structures after calling a number of times for inhabitants to leave buildings, and from which the shooting did not cease". Witness testimonies and human rights investigations allege that the destruction was both disproportionate and indiscriminate, some houses coming under attack from the bulldozers before their inhabitants had the opportunity to evacuate. The Palestinian Authority maintains that IDF "had complete and detailed knowledge of what was happening in the camp through the use of drones and cameras attached to balloons ... [and] none of the atrocities committed were unintentional".
 60. Human rights and humanitarian organizations have questioned whether this change in tactics was proportionate to the military objective and in accordance with humanitarian and human rights law. The Palestinian Authority account of the battle alleges the use of "helicopter gunships to fire TOW missiles against such a densely populated area ... anti-aircraft guns, able to fire 3,000 rounds a minute ... scores of tanks and armoured vehicles equipped with machine guns ... [and] bulldozers to raze homes and to burrow wide lanes". Other sources point to an extensive use of armoured bulldozers and helicopter gunships on 9 and 10 April, possibly even after the fighting had begun to subside. During this stage, much of the physical damage was done, particularly in the central Hawashin district of the camp, which was effectively levelled. Many civilian dwellings were completely destroyed and many more were severely damaged. Several UNRWA facilities in the camp, including its health centre and sanitation office, were badly damaged.
 61. Within two days after 9 April, IDF brought the camp under control and defeated the remaining armed elements. On 11 April, the last Palestinian militants in Jenin camp surrendered to IDF, having requested mediation by BTselem, an Israeli human rights organization that operates in the Occupied Palestinian Territory, to ensure that no harm would come to them. According to Palestinian Authority sources, those surrendering included wanted Islamic Jihad and Fatah leaders; others were three injured people and a 13-year-old boy.

Conclusion and aftermath of the IDF incursion, 11 April-7 May 2002

62. As the IDF incursion into Jenin wound down, a range of humanitarian problems arose or worsened for the estimated 4,000 Palestinian civilians remaining in the camp. Primary among these was the prolonged delay in obtaining medical attention for the wounded and sick within the camp. As the fighting began to subside, ambulances and medical personnel were prevented by IDF from reaching the wounded within the camp, despite repeated requests to IDF to facilitate access for ambulances and humanitarian delegates, including those of the United Nations. From 11 to 15 April, United Nations and other humanitarian agencies petitioned and negotiated for access to the camp with IDF and made many attempts to send in convoys, to no avail. At IDF headquarters on 12 April, United Nations officials were told that United Nations humanitarian staff would be given access to the affected population. However, such access did not materialize on the ground, and several more days of negotiations with senior IDF officials and personnel of the Israeli Ministry of Defence did not produce the necessary access despite assurances to the contrary. On 18 April, senior United Nations officials criticized Israel for its handling of humanitarian access in the aftermath of the battle and, in particular, its refusal to facilitate full and safe access to the affected populations in violation of its obligations under international humanitarian law.
63. UNRWA mounted a large operation to deliver food and medical supplies to needy refugees who had fled the camp and to Jenin hospital but was not allowed to enter the camp. The humanitarian

- crisis was exacerbated by the fact that, on the first day of the offensive, electricity in both the city and the camp were cut by IDF. Electric power was not restored until 21 April.
64. Many of the reports of human rights groups contain accounts of wounded civilians waiting days to reach medical assistance, and being refused medical treatment by IDF soldiers. In some cases, people died as a result of these delays. In addition to those wounded in the fighting, there were civilian inhabitants of the camp and the city who endured medication shortages and delays in medical treatment for pre-existing conditions. For example, it was reported on 4 April that there were 28 kidney patients in Jenin who could not reach the hospital for dialysis treatment.
 65. The functioning of Jenin Hospital, just outside the camp, appears to have been severely undermined by IDF actions, despite IDF statements that "nothing was done to the hospital". The hospital's supplies of power, water, oxygen and blood were badly affected by the fighting and consequent cuts in services. On 4 April, IDF ordered the Palestinian Red Crescent Society (PRCS) to stop its operations and sealed off the hospital. Hospital staff contend that shells and gunfire severely damaged equipment on the top floor and that at least two patients died because of damage to the oxygen supplies. None of the Palestinians within the hospital was permitted to leave until 15 April.
 66. It appears that, in addition to the denial of aid, IDF in some instances targeted medical personnel. Before the Jenin incursion, on 4 March, the head of the PRCS Emergency Medical Service in Jenin was killed by a shell fired from an Israeli tank while he was travelling in a clearly marked ambulance. On 7 March, a staff member of UNRWA was killed when several bullets were fired by Israeli soldiers at an UNRWA ambulance in which he was riding near Tulkarm in the West Bank. On 3 April, a uniformed Palestinian nurse was reportedly shot by IDF soldiers within Jenin camp and on 8 April an UNRWA ambulance was fired upon as it tried to reach a wounded man in Jenin.
 67. The Government of Israel repeatedly charged that medical vehicles were used to transport terrorists and that medical premises were used to provide shelter. This, according to Israel, necessitated the strict restrictions on humanitarian access. Furthermore, in the specific case of Jenin camp, IDF spokesmen attributed denials of access to the clearance of booby traps after the fighting had subsided. The IDF spokesman also maintained that the "Palestinians actually refused our offers to assist them with humanitarian aid" and that "everyone who needed help, got help". There is a consensus among humanitarian personnel who were present on the ground that the delays endangered the lives of many wounded and ill within. United Nations and other humanitarian personnel offered to comply fully with IDF security checks on entering and leaving the camp, but were not able to enter the camp on this basis. Furthermore, United Nations staff reported that IDF had granted some Israeli journalists escorted access to the camp on 14 April, before humanitarian personnel were allowed in. United Nations personnel requested similar escorted access to assess the humanitarian condition of people in the camp, but were unsuccessful, despite assurances from senior IDF officials that such access would be possible.
 68. On 15 April, 12 days after the start of the military operation, IDF granted humanitarian agencies access to the Jenin refugee camp. The Palestine Red Crescent Society and the International Committee of the Red Cross were permitted to enter the camp under military escort but reported that their movement was strictly confined to certain areas and further constrained by the presence of large quantities of unexploded ordnance including booby traps. After evacuating only seven bodies, they aborted their efforts. A United Nations team including two trucks with water and supplies was forbidden from unloading its supplies and was also forced to withdraw. Supplies were distributed to the camp inhabitants only beginning the following day, 16 April. Acute food and water shortages were evident and humanitarian personnel began calls for specialized search-and-rescue efforts to extract the wounded and the dead from the rubble.
 69. Once IDF granted full access to the camp on 15 April, unexploded ordnance impeded the safe operations of humanitarian personnel. Non-United Nations humanitarian agencies reported that large amounts of unexploded ordnance, explosives laid by Palestinian combatants as well as IDF ordnance, slowed their work. Negotiations carried out by United Nations and international agencies with IDF to allow appropriate equipment and personnel into the camp to remove the unexploded ordnance continued for several weeks, during which time at least two Palestinians were accidentally killed in explosions.

G. Recent events in other Palestinian cities

70. Brief descriptions of recent events in Ramallah, Bethlehem and Nablus follow.

Ramallah

71. Ramallah was the first city occupied by the Israeli Defence Forces in Operation Defensive Shield. IDF entered on 29 March and withdrew from most of Ramallah on 20 April and the remaining sections of the city on 30 April. While many of the features of the incursion were common to incursions in other cities - a curfew, the severing of telephone, water and electricity services to most of the city, the prevention of the delivery of humanitarian assistance, and detentions - the status of Ramallah as the administrative centre for the Palestinian Authority appeared to be a factor in the actions of IDF.
72. The Government of Israel avers that Ramallah has played a central role in terrorist attacks against Israeli civilians because of the presence there of the headquarters of a number of Palestinian security forces (the National Security Force, Preventive Security, Civil Police and Force-17) and the cooperation between those security forces and militant groups. According to IDF, militant groups both collaborate with the security forces and enjoy their protection. The Government of Israel contends that Fatah, which is headquartered in Ramallah and shares personnel with Palestinian Authority security forces, is a terrorist organization. It asserts that the Popular Front for the Liberation of Palestine also uses Ramallah as its base of operation and that Hamas uses Ramallah as a "relay station" for suicide attacks. The Palestinian Authority denies any involvement of its security forces in terrorist attacks.
73. During the course of the military operation in Ramallah, Palestinian Authority civil institutions suffered extensive damage. Reports of human rights monitoring groups contend that those institutions were specifically targeted by IDF, and the World Bank stated in a report that the offices of 21 ministries and agencies were entered and ransacked to varying degrees. According to the Palestinian Authority, IDF entry into the Authority offices appeared to be focused on information-gathering. They cite the common removal of computer servers, hard disc drives, computers and paper records as indicative of this goal. The World Bank states that the destruction was focused on office equipment, computers and data storage facilities; it estimates replacement and repair costs for Palestinian Authority office interiors at \$8 million. In addition, the Authority asserts that IDF made efforts to disrupt the ministries' capacity to function effectively, pointing to what they believe was the systematic destruction of office and communication equipment and removal or destruction of records and data from ministries. Records from the Education, Health and Finance Ministries and the Central Bureau of Statistics were removed during the operation and, as at 7 May, had not been returned. The Palestinian Authority and non-governmental organizations cite cases of vandalism and theft of private property. IDF also caused heavy destruction at the compound of Chairman Arafat. The Government of Israel has denied that IDF personnel engaged in systematic destruction, vandalism and theft during Operation Defensive Shield.

Bethlehem

74. On 2 April, IDF entered Bethlehem using tanks and armoured personnel carriers. Exchanges of fire occurred around the city on 2 and 3 April. IDF assert that Palestinian militants fired on Israeli soldiers from churches, while the Palestinian Authority says that IDF attacked civilians and clerics on church premises. On 4 April, according to IDF, Palestinian militants took over the Church of the Nativity. The Palestinian Authority contends that on 3 April 150 people, including women and children, sought refuge in the Church. Israeli forces surrounded the Church of the Nativity and for 37 days a stand-off ensued. Israeli forces withdrew from the city on 10 May, three weeks after the formal end of Operation Defensive Shield, after the conclusion of protracted negotiations over the fate of Palestinian militants who had sought refuge in the Church of the Nativity.
75. The Israeli Defence Forces assert that Bethlehem had been a base for operations of the Al Aqsa Martyrs Brigades, Hamas, Palestinian Islamic Jihad and the Popular Front for the Liberation of Palestine. According to IDF, five attacks on Israelis emanated from Bethlehem from 18 February to 9 March 2002, which resulted in the deaths of 24 people and dozens wounded. IDF say that the Al Aqsa Martyrs Brigades claimed responsibility for four of those attacks.
76. A curfew was imposed on Bethlehem and its surrounding villages from 2 April, and from the start of the incursion IDF declared Bethlehem a closed military area. From 2 April to 10 May, the Israeli forces lifted the curfew in parts of the greater Bethlehem area approximately every three days for periods of two to four hours. According to an Israeli human rights organization, in some

of Bethlehem's nearby villages it became difficult to obtain medical care during the brief liftings of the curfew because of the need for residents to travel to Bethlehem or other larger towns to visit hospitals or clinics. As a result, pregnant women were unable to get prenatal care and people with chronic medical problems were unable to replenish medications or receive care. One village, al-Walaja, remained under round-the-clock curfew from 2 April to 10 May.

Nablus

77. The IDF incursion into Nablus began on 3 April 2002 and ended on 21 April. Heavy fighting reportedly occurred in various parts of the city, the most intense combat happening in the old city. Most accounts estimate that between 70 and 80 Palestinians, including approximately 50 civilians, were killed in Nablus during the operation. IDF lost four soldiers during the incursion. Of all the Palestinian cities entered during Operation Defensive Shield, Nablus appears to be the one that suffered the most extensive physical damage to property. This is in part because of the substantial damage to the old city, some of which had been restored with the help of UNESCO. According to the World Bank, the reconstruction costs for Nablus alone account for approximately \$114 million, more than one third of the total reconstruction cost for all of the cities affected by Operation Defensive Shield.
78. After encircling Nablus on 3 April, IDF entered the city using helicopter gunships, tanks, armoured personnel carriers and ground troops. From 6 to 11 April the most intense fighting occurred in the warren of narrow streets in the old city, where armoured bulldozers were put to use destroying buildings to clear a path for the entry of tanks. By 11 April, most of the fighting had ended. IDF imposed a curfew on 3 April and completely lifted it on 22 April. The first temporary lifting occurred on 10 April for one hour, and thereafter IDF lifted the curfew for two to three hours approximately every two days.
79. The Israeli Defence Forces have alleged that Nablus is a centre for the planning and organization of terrorist attacks on Israel and say that groups in the city directed the work of militant groups in the northern part of the West Bank. IDF hold those groups responsible for 19 attacks in 2002, which resulted in 24 deaths and 313 people injured. According to IDF, the various militant groups operated cooperatively, with Palestinian Islamic Jihad planning attacks, Hamas preparing explosives and Fatah/Tanzim providing suicide bombers.
80. As a result of Operation Defensive Shield and the earlier incursions, IDF assert that 18 explosives laboratories, seven Qassam rocket laboratories, 10 explosive belts, and hundreds of kilos of explosives were found in the old city of Nablus and the nearby Balata refugee camp. They say they found tunnels for hiding and smuggling arms under the old city and discovered arms caches in the homes of the mayor of Nablus and the city's police commander.
81. Humanitarian and human rights groups report that the population of Nablus was particularly affected by the extent of the fighting as well as by the curfew. Substantial portions of the city suffered from water, electricity and telephone cuts throughout the operation. There are also reports of Israeli forces severely hampering the movement of medical personnel and ambulances. The substantial destruction in Nablus included houses, numerous other buildings and religious and historical sites. According to local Palestinian Authority officials, 64 buildings in the old city, including 22 residential buildings, were badly damaged or destroyed and up to 221 buildings suffered partial damage.

H. Observations

82. As I wrote on 3 May 2002 to the President of the Security Council, I share the assessment of President Ahtisaari and his fact-finding team that a full and comprehensive report on recent events in Jenin, as well as in other Palestinian cities, could not be made without the full cooperation of both parties and a visit to the area. I would, therefore, not wish to go beyond the very limited findings of fact which are set out in the body of the text. I am nevertheless confident that the picture painted in this report is a fair representation of a complex reality.
83. The events described in this report, the continuing deterioration of the situation and the ongoing cycle of violence in my view demonstrate the urgent need for the parties to resume a process that would lead back to the negotiating table. There is very wide support in the international community for a solution in which two States, Israel and Palestine, live side-by-side within secure and recognized borders, as called for by the Security Council in resolution 1397 (2002). I believe that

the international community has a compelling responsibility to intensify its efforts to find a peaceful and durable solution to the Israeli-Palestinian conflict, as a key element in the search for a just, lasting and comprehensive settlement in the Middle East based on Security Council resolutions 242 (1967) and 338 (1973).



**PRESIDENT YASSER ARAFAT, STATEMENT CONDEMNING THE TERRORIST
ATTACK AGAINST ISRAELI CIVILIANS, 8 MAY 2002**

As President of the Palestine Liberation and the Palestine National Authority, I reiterate my commitment to and sharing with the United States of American and the international community in their fight against terrorism. I have issued my orders to the Palestinian security forces to confront and obstruct any terrorist act against Israeli civilians from any Palestinian party while concurrently and in parallel, [I have instructed them] to confront any aggression against Palestinian civilians by the Israeli army and settlers, which we completely condemn [as well].

I call on the United States and President Bush as well as the international community to provide for the needed protection and support to the Palestinian security forces, whose infrastructure was destroyed by the Israeli occupation, so that they can carry out their duties and execute the orders issued to them to definitely eliminate any attempt to carry out a terrorist attack against Israeli and Palestinian civilians as a political means to reach the goals defined for it. With our commitment to the war against terrorism, I call on and request the important deployment of an international force to help us put an end to the aggression, help us, and impose peace.



**PALESTINE NATIONAL AUTHORITY, STATEMENT ON ISRAELI ACTIONS
IN THE WEST BANK, 15 MAY 2002**

The Israeli occupation army informed all international representatives and Consulates in Jerusalem and Ramallah yesterday, 14 May, that it has decided to divide the West Bank into eight isolated areas, completely separated from one another by Israeli roadblocks. The announcement of this racist plan also stated that any movement of goods would require a permit that would be issued by the Israeli occupation's so-called Civil Administration. The goods (including food and other vital supplies) would have to be transferred from one truck to another at each of the Israeli roadblocks at the entrance of the isolated Palestinian Bantustans.

By implementing this dangerous plan, the Israeli government would in effect be enforcing the racially isolated areas or Bantustans, which would certainly convert each Palestinian area into a large prison. This plan also aims to destroy the economic, educational, social, and other aspects of Palestinian life.

The occupation forces also intend to move the Qalandia roadblock to the Ma'lufiyeh area at the entrance of the Ramallah municipality in order to further tighten the siege around the city. This move would also serve to isolate more than three hundred and fifty thousand Palestinians, who reside in the Jerusalem area and its suburbs as well as Al-Ram from Ramallah.

Finally, and in breach of the signed agreements, the Israeli occupation authorities have informed the Palestinian police personnel in the A'izariyeh and Abu Dis areas south of Occupied East Jerusalem, that their role was now completely canceled as those areas were now "under full Israeli control".



**PRESIDENT YASSER ARAFAT, ADDRESS TO THE PALESTINIAN LEGISLATIVE
COUNCIL ON THE OCCASION OF NAKBA DAY, RAMALLAH, 15 MAY 2002**
[EXCERPTS]

[The speech contained Arafat's first public reference to the need for broad reform within the PA.]

Peace was and will continue to be our strategic choice. We will not give up the choice of peace between us and the Israelis. In peace there is a common interest for both the Palestinian and Israeli peoples. In addition, all alternatives to peace that the Israeli government has resorted to in order to wipe out the choice of peace, the peace of the brave, which I have signed with my late partner Rabin who was assassinated by these extremist forces, have proven to be a failure and void. As you see, the Israeli military solution - despite all what the Israeli occupation forces have perpetrated in terms of killing, undermining, destitution, and destruction of the infrastructures of our official, educational, health, social, security, and other institutions - has not, will not, and cannot change an iota of our determination to achieve independence, sovereignty, and freedom. It also cannot change an iota of our readiness to accept the peace of the brave that was done at the Madrid Conference and the agreements that were signed to achieve a just, comprehensive, and permanent peace, especially after accepting the Saudi initiative of Crown Prince Abdullah at the Arab summit conference held recently in Beirut, as well as the recent meeting at Sharm al-Shaykh among President Mubarak (of Egypt), Crown Prince Abdullah al-Saud and President Bashar Assad (of Syria). [...]

I would like to assure you today that the talks we had at Camp David were very difficult, critical, and sensitive and engulfed all important and basic issues. Despite the tireless and good offices made by President Clinton and his team, we could not, however, reach an agreement on these basic issues. As you know, we continued these talks at Sharm al-Shaykh [where they] were sponsored by President Mubarak. And then, in Paris, we continued these talks whose last session was attended by President Chirac. Progress came at the negotiations in Taba (let us refer to the press conference convened by Abu Ala' and Shlomo Ben Ami).

We were supposed to continue these negotiations after the Israeli elections.

Sisters and brothers,

The road to freedom, independence, and dignity was never paved with roses. It is paved with steadfastness, perseverance, resilience, persistence, and the capacity to confront aggression and the aggressors. The conspiracy against your people and your homeland, to deprive us of our freedom, independence, and state has never stopped. Its chapters are still unfolding. [...] Indeed, the Government of Israel has forbidden the arrival of the international investigation committee to investigate the crime committed by the occupation *array* against our people in the Jenin refugee camp. It has furthermore put incapacitating conditions in front of the international conference. I would like to greet President Bush who has called for the establishment of the independent State of Palestine at the UN General Assembly that we both attended together. He is the first U.S. president to declare this position.

[...] We have lately declared, and we declare it today, that we reject the operations that target Israeli civilians as well as what the Palestinian civilians are exposed to as has happened in Jenin or in "Jenin-grad." Palestinian and Arab public opinion have arrived at this conviction that these operations do not serve our aims. Indeed, they incite many and big segments of the international community against us, an international community that has created Israel and provided it with money, arms, and protection. [...]

Following this Israeli aggression, our internal situation and political system require from us to make a comprehensive review of all aspects of our national life. You know that we have established our political system on the basis of democracy and free and fair elections that surprised leaders from all over the globe. We have established our security institutions, National Security Forces, and police within the framework of a preconceived concept that the intermediate phase, mentioned in Oslo, would come to an end in 1999. Following that we were to review the political, administrative, and security structures of our state. Yet things developed in a totally different direction following the re-

fusal of the Government of Israel to uphold and carry out the agreements. Ever since that time, it has waged this unjust war against us and against our land, people, and Christian and Islamic holy places.

Allow me, sisters and brothers, to raise with you, in honesty and with full responsibility, the issue of a quick preparation of elections, to conduct the elections wherever possible on all official and popular levels, to adopt free elections as the basic means to choose the leadership, whether in the institutions of national society or in the organizations or in the unions and in the trade unions and in the popular institutions, as basic instruments of building civil society, to abide by the principle of separation of powers in the judicial, legislative, and executive branches, to maintain national unity and human rights. As a result of the experience in building the administration and the Authority, I call for the revision of all of our administrative, ministerial, and security apparatus formations, after some shortcomings appeared here and there, which cannot be kept concealed from public opinion, which is scorched by the fire of Israeli occupation. We have all exerted efforts in construction and work. We might have committed an error here or there, in this or in that responsibility. But we have upheld the trust and maintained the national objectives, at the forefront of which is independence, freedom, and the independent State of Palestine, with Holy Jerusalem as its capital. [...]

Now, while we are facing this strangulating siege, ongoing aggression, and historical, fateful, and difficult circumstances, the target and dream are approaching, in spite of all the sufferings, sacrifices, and pains. I insist on presenting a comprehensive and new formula of our national situation and that of the Authority - its administration, ministries, and security apparatuses - in order to reconstruct on a more solid, firm, strong, and correct basis, and in a manner that realizes our national aspirations of independence, freedom, and the independent State of Palestine.



PALESTINIAN LEGISLATIVE COUNCIL, STATEMENT ON DEVELOPMENT AND REFORM OF THE PA INSTITUTIONS, RAMALLAH AND GAZA, 16 MAY 2002

The PLC listened in its normal session held in Ramallah and Gaza on May 15-16, 2002, to the important speech which was delivered by President Yasser Arafat, and which included a frank and strong call for the administrative and financial reform. In its capacity as the Palestinian Legislative Council as stipulated in the law in terms of monitoring and accountability and legislature, the Council conducted a comprehensive assessment discussion of the previous phase and the process of tackling the conditions that are the result of the weak institutional structure and the rule of the law and the results of the Israeli bloody invasion of the Palestinian towns, villages and camps in the West Bank and Gaza Strip and destruction incurred by the Palestinian society and its governmental and private institutions and organizations, in addition to the damage caused to the Palestinian economy in terms of the infrastructure and destruction of the public and private institutions.

The PLC highly appreciates the size, scope and extent of sacrifices the Palestinian heroic people through the convoys of martyrs and the injured and the thousands of freedom prisoners in the Israeli occupation prisons and the physical damage incurred by the PNA and the Palestinian people.

The PLC highly praises the popular solidarity and the Palestinian national unity that was witnessed throughout the past months, and which constituted an important factor in the heroic steadfastness of the Palestinian people in front of the barbaric and ugly attack executed by the Israeli occupation; the past months also witnessed the masses support and solidarity with the historical leadership which is headed by Brother President Abu Amar under the worst conditions and under the siege which was imposed by the Israeli occupation.

The PLC affirms on the importance to maintain the Palestinian national unity as a basic guarantee for our just struggle to achieve our legitimate national rights in return and in self-determination and the establishment of the independent Palestinian state with al-Quds al-Sharif as its capital. The PLC calls for initiating towards a process of national dialogue on the basis of national programs adopted by the

legitimate institutions and on the basis that there is one sole authority and under the rule of the law in light of political pluralism. The PLC affirms on its readiness to contribute in this dialogue.

The PLC commissioned the Political Committee to make a full assessment of the political developments surrounding the Palestinian cause at the national, regional and international levels and regarding the Palestinian national dialogue and the negotiations in order to submit the assessment report to the PLC in a special session.

Thus, and in light of the PLC assessing the internal conditions and the requirements of change, activation and reforms, the PLC decided:

The PNA and the State

In order to develop and activate the PNA institutions and define its structures and assess its shortcomings, and in order to achieve the principle of separation of authorities, and in order to lay the grounds of transparency and accountability, the PLC affirms on all the resolutions and laws it adopted and on the need to implement them.

For the sake of the requirements of the reconstruction and the activation of the PNA institutions and in order to rectify the mistakes, the PLC affirms on the following issues:

Chapter One: The Constitutional Aspect

The Basic Law:

To ratify the Basic Law, issue it, and compel all institutions and commissions in the Palestinian society to respect this law and abide by it and implement it since it is the basic reference of the work of the PNA and its institutions.

The laws and legislations:

- a- the PLC welcomes the ratification of President Arafat of the law of independence of the judiciary system and demands to implement the law and ratify the remaining of the laws passed by the PLC and the laws which were submitted to President Arafat and to implement the ratified laws.
- b- to execute all Palestinian ratified laws and compel all PNA institutions to abide by them and respect them.

The PLC demands the establishment of a constitutional court and present its special law to the PLC for ratification.

The General Elections:

The elections process must include all representation commissions (the legislative parliamentary elections, the local councils, the trade unions, the sectoral institutions and charitable organizations and others.

The Presidential, Legislative, and Local Councils Elections:

- a- The PLC demands setting up a date for the legislative and presidential elections at the beginning of next year and commission the permanent central elections committee to prepare for those elections.
- b- to reconsider the elections law in light of the new experience and reality.
- c- to commission the elections committee of the local councils to prepare for holding the local councils elections and set up a date for those elections not to exceed this year.
- d- all representation institutions, such as the civil society institutions, have to abide and hold the regular elections in their set dates, such as trade unions, professional unions, charitable organizations and all other institutions according to their bylaws.

Freedoms:

to guarantee public freedoms and basic rights of the Palestinian people in all aspects of life, as stipulated in the Declaration of Independence and the Basic Law and according to the international norms and charters.

Chapter Two: The Executive Authority

The Cabinet:

The government will consist of ministers not to exceed 19 ministers according to Article (65) in the Basic Law on the condition that the ministers have experience and are qualified and they do not necessarily have to be members of the PLC.

The PLC considers the current government a government to run the affairs until the formation of the new government which should take place within a period not exceeding 45 days.

To work on merging and canceling some sectoral ministries with similar duties and to limit as much as possible any establishment of independent administrations and include them in the ministries.

The new government should submit an integrated program for the work of the government in all aspects to the PLC to gain the vote of confidence from the PLC.

The members of the government will devote their time to implement their programs and will hold meetings in a detailed manner independent from the meetings of the political leadership.

To expedite reconsideration and modernizing the administrative structure and job descriptions in the ministries in light of the previous experience and work according to clear future plans and provide the needed budgets to implement their works and programs.

The Finances of the PNA:

To affirm on the importance and centrality of the work of the Ministry of Finance and put an end to the numerous decision making sources and the multiple references and organize and monitor collection and resources and investments in the context of the ministry and abide by the law of organizing the general budget.

To abide by the annual general budget law and reconsider the structure of the Ministry of Finance in manner that assure the unification of decision-making in the Ministry, modernize, and develop the work of the Ministry.

To unify the finances of the PNA in the account of the general treasury and make an account to all revenues of government properties and investments of the PNA and its institutions and procure all revenues in terms of taxes, fees, loans and grants and all profits and all revenues incoming to the PNA through its activities. No amount of money from the general treasury can be allocated or spent for any purpose unless as decided by the law.

To subject all revenues of the independent government institutions, such as the tobacco and petroleum commissions and other commissions and their assets and revenues and profits under the supervision of the Ministry of Finance according to the law.

To keep the money in the special funds of pension and other financial funds for their designated purposes according to the law governing such funds. Security

To reorganize the structure of the public security troops apparatus and the national security troops apparatus according to the following principles and tasks:

The duty of the forces of the public security and national security apparatuses is to:

- a- protect the security of the citizen and the public and private properties.
- b- to maintain public order and enforce the law.

A law based on the Basic Law and the pertaining laws will be issued to include the principles that govern the work of the security services and the conditions of recruitment and defining their jurisdictions and authorities in a manner that prevents overlap of duties.

The service term of the heads of security services will be limited to four years.

To reduce the number of security services and unify those services with similar jurisdictions and have the Palestinian security services under civil authority (Minister of the Interior) and under the monitoring of the PLC.

To form the national security committee as a higher commission, to be headed by the President, to supervise the security services and institutions.

To prevent the security services and their heads from interfering in political and media actions unless as stipulated by the law and the stipulated authorities.

To prevent the security services and their heads from conducting any monetary collection unless as stipulated by the law and on the condition that the money collected will be transferred to the Ministry of Finance.

To prevent security services and their heads from working in any economic or civil field unless stipulated by the law.

To ban the contacts of the security institution with the Israeli side and have such contacts within the agreed upon in the agreements and according to a commission by the political leadership.

General Control Office:

To reconsider the law of General Control Office in order to determine its role and responsibility, jurisdictions and relations with the various governmental and non-governmental institutions and have the Office submit its annual and periodical reports to the PLC in a manner that reinforces the independence and efficacy of the Office.

The PLC demands from the executive authority to hold accountable and question all those who abuse public funds spending.

The Higher Positions of the Independent Government Institutions:

The head of the General Control Office, Head of Personnel Affairs, Head of Monetary Authority, Heads of Independent Public Commissions that are not related to the Ministries have to be ratified by the PLC in accordance with the Basic Law.

The Governors:

To prepare charts and special organization pertaining to the governors and administrative structures and determine their authorities within the borders of the governorates and organize the relations between the governor, the security services and the local administrations and assess their status according to their performance.

The Personnel Office:

To abide by the provisions of the Civil Service Law regarding the role of the Personnel Office and its terms of reference and jurisdictions and implement the provisions of the law, especially the administrative aspect.

To halt any permanent appointments in the Authority until reconsideration of the structures of the ministries and ratify their bylaws.

Chapter Three: The Judicial Authority

The PLC welcomes the President's ratification of the Law of Independence of the Judiciary System and demands issuing it.

The PLC believes there is a need to restructure the higher judicial council according to the law in order to activate the judiciary system and complete its final structure, taking into consideration the following issues:

To unify the Palestinian judiciary system and restructure it on all the Palestinian territories according to the law.

To reinforce the judicial system with human resources, prepare, and rehabilitate the judicial cadre.

To complete building the new courts according to the law and complete the logistic needs, including the buildings, the administrative and office equipments, and prepare the necessary regulations.

The PLC shall request from the government to complete the submitting of the package of judicial laws so that the PLC can ratify them as soon as possible.

The PLC affirms on the need to abide by the independence of the Palestinian judicial system and the respect of the rule of the law and implement the judicial provisions and decisions.

To allocate a special budget for the judicial authority in the framework of the general budget.

The PLC reaffirms its previous decision on canceling of the state security court.



PALESTINIAN NATIONAL AUTHORITY, BASIC LAW, 29 MAY 2002

[The Basic Law was approved by the PLC back in Oct. 1997, but remained in the shelves until Pres. Arafat - under internal and external pressure for reforms, eventually signed it into law in May 2002; it went into effect on 7 July 2002.]

NAME OF DRAFT BILL: BASIC LAW
SUBMITTED BY: THE COUNCIL OF MINISTERS
COUNCIL'S READING: THIRD READING
NO. OF DRAFT BILL:
DATE: 02.10.1997

CHAPTER ONE

Article (1): Palestine is part of the large Arab World, and the Palestinian People are part of the Arab Nation. Arab Unity is an objective which the Palestinian People shall work to achieve.

Article (2): The Palestinian People are the source of all power, which shall be exercised through the legislative, executive, and judicial authorities, based on the principle of separation of powers, and in the manner set forth in this Basic Law.

Article (3): Jerusalem is the Capital of Palestine.

Article (4):

1. Islam is the official religion in Palestine. Respect and sanctity of all other heavenly religions shall be maintained.
2. The principles of Islamic Shari'a shall be the main source of legislation.
3. Arabic shall be the official language.

Article (5): The governing system in Palestine shall be a democratic parliamentary system based on political and party pluralism. The President of the National Authority shall be directly elected by people. The Government shall be responsible to the President and to the Palestinian Legislative Council.

Article (6): The principle of the rule of law shall be the basis of government in Palestine. All authorities, powers, agencies, institutions and individuals shall be subject to law.

Article (7): Palestinian citizenship shall be regulated by law.

Article (8): The flag of Palestine shall be in four colors, and in accordance with the dimensions and measurement approved by the Palestinian Liberation Organization. It shall be the official flag of the country.

CHAPTER TWO: PUBLIC RIGHTS & FREEDOMS

Article (9): All Palestinians are equal under the law and judiciary, without discrimination because of race, sex, color, religion, political views, or disability.

Article (10):

1. Basic human rights and freedoms shall be binding and respected.

2. The Palestinian National Authority shall work without delay to join regional and international declarations and covenants which protect human rights.

Article (11):

1. Personal freedom is a natural right, and shall be guaranteed and protected.
2. It is unlawful to arrest, search, imprison, restrict the freedom, or prevent the movement of, any person, except by judicial order in accordance with the provisions of law. The law shall specify the period pre-arrest detention. Imprisonment or detention shall only be permitted in places that are subject to laws related to the organization of prisons.

Article (12): Every arrested person shall be informed of the reasons for his arrest or detention. He shall be promptly informed, in a language he understands, of the nature of the charges brought against him. He shall have the right to contact a lawyer and to be tried without delay.

Article (13):

1. No person shall be subject to any duress or torture. All persons deprived of their freedom shall receive proper treatment.
2. All statements or confessions obtained through violation of paragraph one of this article shall be considered null and void.

Article (14): The accused is innocent until proven guilty in a court of law that guarantees the right to defend himself. Any person accused in a criminal case shall be represented by a lawyer.

Article (15): Punishment shall only be imposed upon individuals. Collective punishment is prohibited. Crime and punishment shall only be determined by law. Punishment shall be imposed only by judicial order, and shall apply only to actions committed after the promulgation of law.

Article (16): It is unlawful to conduct any medical or scientific experiment on any person without his prior legal consent. No person shall be subject to medical examination, treatment, or surgery, except in accordance with law. Transplantation of human organs, and new scientific developments shall be regulated to serve legitimate humanitarian purposes.

Article (17): Homes shall be inviolable; thus, they shall not be subject to surveillance, entrance or search, except in accordance with a valid judicial order, and in accordance with the provisions of law. Any consequences resulting from violations of this article shall be considered invalid. Individuals who suffer from such violation shall be entitled to fair compensation guaranteed by the Palestinian National Authority.

Article (18): Freedom of belief and the performance of religious rituals are guaranteed, provided that they do not violate public order or public morals.

Article (19): Every person shall have the right to freedom of thought, conscience and expression, and shall have the right to publish his opinion orally, in writing, or in any form of art, or through any other form of expression, provided that it does not contradict with the provisions of law.

Article (20): Freedom of residence and movement shall be guaranteed within the limits of law.

Article (21):

1. The economic system in Palestine shall be based on the principle of free market economy. The Executive Authority may establish public companies which shall be organized in accordance with law.
2. The freedom of economic activity is guaranteed. The law shall organize its supervising rules and limitations.
3. Private property shall be protected and, shall not be expropriated except in the public interest, and for a fair compensation in accordance with the law, or pursuant to a judicial order.
4. Confiscation shall be in accordance with a judicial order.

Article (22):

1. Social, health, disability, and retirement insurance shall be regulated by law.
2. The welfare of families of martyrs', prisoners of war, the injured, and the disabled, shall be regulated by law. The National Authority shall guarantee them education services, health and social insurance.

Article (23)

Proper housing is a right for every citizen. The Palestinian National Authority shall secure housing for those without shelter.

Article (24):

1. Every citizen has the right to education. It shall be compulsory until at least the end of basic grades, and it shall be free in public schools and institutes.
2. The Palestinian National Authority shall supervise all levels of education and its institutions, and shall strive to upgrade the educational system.
3. The Law shall guarantee the independence of universities, higher institutes, and scientific research centers, in a manner that guarantees the freedom of scientific research, as well as literary, artistic, and cultural creativity. The Palestinian National Authority shall encourage and support such creativity.
4. Private schools and educational institutions shall comply with the curriculum approved by the Palestinian National Authority, and shall be subject to its supervision.

Article (25):

1. Work is a right, duty and honor. The Palestinian National Authority shall strive to provide it to any individual capable of performing it.
2. Work relations shall be organized in a manner which guarantees justice and provides security, health, and social insurance to all workers.
3. Organization of unions and guilds is a right which shall be regulated by law.
4. The right to conduct a strike shall be exercised within the limits of law.

Article (26): Palestinians shall have the right to participate in the political life individually and in groups. They have the following rights in particular:

1. To establish and join political parties in accordance with the law.
2. To establish unions, guilds, associations, societies, clubs, and public institutions in accordance with the law.
3. To vote and nominate for election, representatives among them by ballot in accordance with the law.
4. To hold public office and positions in accordance with the principle of equal opportunities.
5. To conduct special meetings without the presence of police members, and to conduct public meetings, processions, and assemblies, within the limits of law.

Article (27): Establishment of newspapers and all media means is a right for all, guaranteed by this Basic Law. However, their financing resources shall be subject to law. Freedom of audio, visual, and written media, as well as freedom to print, publish, distribute, transmit, together with the freedom of individuals working in this field, is guaranteed by this Basic Law, other related laws. Censorship on media shall be prohibited. No warning, suspension, confiscation, cancellation, or restrictions shall be imposed on media except by law, and in accordance with a judicial order.

Article (28): No Palestinian may be deported from the homeland, prevented or prohibited from returning to or leaving it, deprived of his (citizenship), or surrendered to any foreign entity.

Article (29): Maternity and childhood welfare is a national duty. Children shall have the right to:

1. Comprehensive protection and welfare
2. Not to be exploited in any purpose, and shall not be allowed to perform works which might damage their safety, health, or education.
3. Protection from harm and cruel treatment
4. Law prohibits beating children and treating them cruelly by their relatives.
5. Shall be segregated in case they are sentenced from adults, and treated in a manner which is appropriate to their age and rehabilitation.

Article (30):

1. Litigation is a protected and guaranteed right to all people. Each Palestinian shall have the right to find sanctuary in the legal system. Litigation procedures shall be organized by law to guarantee prompt settlement of cases.
2. Laws shall not make any decision or administrative work immune against judicial control.
3. Judicial mistakes shall result in compensation by the National Authority. Conditions and methods of such compensation shall be regulated by law.

Article (31): An independent commission for human rights shall be established by law, which will specify its formation, duties, jurisdiction. The Commission shall submit its reports to the President of the National Authority, and to the Palestinian Legislative Council.

Article (32): Each aggression committed against any personal freedom, against private life of human being, or against any of rights or freedom, which have been guaranteed by the law or by this basic law, shall be considered as a crime. Criminal and civil case resultant from such infringement shall not be subject to any status of limitation. The National Authority shall guarantee fair indemnity for those who suffered from such damages.

Article (33): A balanced and clean environment is one of the human rights. The preservation and protection of the Palestinian environment from pollution, for the sake of present and future generation, is a national duty.

CHAPTER THREE: THE LEGISLATIVE AUTHORITY

Article (34):

1. The Palestinian Legislative Council is the elected legislative authority.
2. Without prejudice to the provision of this law, the Legislative Council shall assume its legislative and oversight duties, as prescribed in its Standing Orders.
3. The term of this Council shall be the interim period.

Article (35):

1. The Legislative Council shall be composed of 88 Members elected in accordance with law.
2. If the position of one Member or more became vacant due to death, resignation, or loss of legibility, elections shall be conducted in the concerned constituency to elect a successor in accordance with law.

Article (36): Before taking on any responsibility, every Member shall swear the following out before the Council: - "I swear by Allah Almighty to BE faithful to the Homeland, and to preserve the rights and interests of the people and nation, and to respect law and perform my duties in the best manner, as Allah is my witness".

Article (37): In its first meeting, the Council shall elect a Speaker, two deputies, and a Secretary General; in all they makeup the Presidency Office of the Council. It is not allowed to combine between Membership in the Presidency office of the Legislative Council, the Presidency of the Executive Authority, and membership in the Cabinet, or any other governmental position.

Article (38): The Council shall accept the resignation of its Members, and establish its own Standing Orders, as well as rules of questioning its Members, in a way which does not contradict with the provisions of this Basic Law, or with the general constitutional principles. The Council shall be solely responsible for maintaining order and security during sessions and meetings of its committees. Security men shall not be present in the Council, unless requested by the Speaker, or by the Head of the Committee according to the situation.

Article (39): The President of the Palestinian National Authority shall open the ordinary session of the Council and deliver his opening statement.

Article (40):

1. Members of the Council shall not be questioned, through either a civil or criminal procedure, because of their actions, or opinions, or votes in the Council's sessions and Committees' meetings, or because of any action they undertake outside the Council in the course of their functions as Members, to enable them perform their parliamentary mission.
2. No Members shall be disturbed in any manner, nor shall any search be made of his luggage, house, place of residence, car, or office, and in general any real estate or transferable property, throughout the period of immunity.
3. No Member of the Legislative Council shall be asked during the period of membership or subsequently, to testify on any subject related to his actions or statements or information he obtained as a result of his membership on the Council, unless he agrees to do so, and as per the prior consent of the Council.
4. No penalty measures shall be taken against any Member of Legislative Council, unless the Member is found red-handed "Flagratne delicto". However, the Council shall be notified immediately about the measures taken against the Member, so that the Council shall take the proper action in this regard. The Office of the Council shall assume this responsibility if the Council is not convened.

5. The Member of the Legislative Council shall not relinquish his immunity without a prior permission of the Council. Immunity shall not be dropped after ceasing to be a Member of the Council, within the limits which have been included during the membership period.

Article (41):

1. The Member of the Legislative Council shall not exploit his membership on Council, in any other type of private business, or in any manner whatsoever.
2. Every Member of the Legislative Council shall present a financial statement for himself, his wife, his dependent "minor" children, detailing what they own in real estate, transferable property inside Palestine and abroad, and their debts, to the Speaker of the Council. This declaration "Statement" shall be kept in a sealed and classified envelope at the Supreme Court of Justice, and shall not be disclosed unless approved by the Court, and within the limits it allows.

Article (42): The Member of the Legislative Council shall receive a monthly salary determined by law.

Article (43): Each Member of the Council shall have the right to:

1. Submit to the Executive Authority all necessary and legitimate requests, which will enable him exercise his parliamentary duties. Propose laws. Rejected proposals shall not be resubmitted within the same term of the period of the year.
2. Address inquiries and interrogatories to the Government or to any Minister, or alike. Interrogatories shall be discussed only seven days after submission, unless the addressee agrees to reply promptly or within a shorter notice. However, this period can be curtailed to three days in case of urgency as per the approval of the President of the National Authority.

Article (44):

1. Ten Members of the Council may submit a request after the interrogation, to withdraw confidence from the Government or from any Minister. However, voting on such request shall be at least three days after submission. A decision shall be issued by a majority vote of the Council's Members.
2. The withdraw of confidence shall result in terminating the term of the party in whom confidence was lost.

Article (45): The Council may form special committee, or entrust one of its committees to conduct information-gathering and fact-finding in any public matter, or in any public institution.

Article (46): The Legislative Council shall approve the General Development Plan. The law shall determine the way to prepare and present the Plan to the Council.

Article (47): The law shall regulate the specific procedures regarding the preparation and approval of the general budget, as well as the attached budgets, developmental budgets, the budgets of public institutions and assemblies, and the budget of every project in which the government's investment comprises 50% or more of its capital. The law shall also regulate the spending of funds appropriated in these budgets.

Article (48): Taking into consideration the provisions of Article (81) of this Basic Law:

1. The Government shall present the budget proposal to the Legislative Council at least two months before the beginning of the fiscal year.
2. The Legislative Council shall convene a special session to discuss the annual budget proposal. It either ratifies it prior the start of the new fiscal year, or send it back to the government in a period not exceeding one month from the date of receipt. The returned budget shall include the Council's comments, in order to complete the necessary requirements and return it to the Council for approval.
3. Voting on the general budget, in the Council, shall be chapter by chapter.
4. Transfer of funds among the budget's chapters is not permitted, unless there is an agreement between the Legislative Council and the Executive Authority in this concern.

Article (49):

The final accounts of the National Authority's budget shall be presented to the Legislative Council no later than one year from the end of the fiscal year. The Council shall vote on the final accounts chapter by chapter.

CHAPTER FOUR: THE EXECUTIVE AUTHORITY

Article (50): The Executive Authority is the highest executive and administrative tool, which shoulders the responsibility of developing a program that will be approved by the Legislative Authority for

implementation. The President of the National Authority, and the Council of Ministers shall assume the responsibility of the Executive Authority in the manner prescribed in this Basic Law.

First: The President

Article (51): The President of the Executive Authority shall be elected in a general and direct elections by the Palestinian People in accordance with the Palestinian Election Law.

Article (52): Before assuming office, the President shall take the following oath before the Legislative Council, and in the presence of the Chief of the Palestinian National Council, the Chief of Supreme Court "I swear to Allah Almighty to be faithful to the Homeland and to its sacred places, and to the people and its national heritage, and to respect the Constitutional system and the law, and to safeguard the interests of the Palestinian people completely, as Allah is my witness".

Article (53): The term of the Presidency shall be the Transitional Phase, after which the President shall be elected in accordance with law.

Article (54):

1. The office of the President shall be considered vacant in any of the following cases:
 - a. Death
 - b. Resignation submitted to the Palestinian Legislative Council if accepted by two thirds of its Members.
 - c. Considered legally incompetent, as per a ruling issued by the Supreme Constitutional Court, and subsequently approved by two thirds of the Palestinian Legislative Council.
2. If the office of the President of the National Authority becomes vacant due to any of the above cases, the Speaker of the Palestinian Legislative Council shall assume the powers and duties of the Presidency of the National Authority, temporarily for a period not exceeding (60) sixty days, during which free and direct elections to choose a new president shall take place in accordance with the Palestinian Elections Law.

Article (55): The President is the Commander-in-Chief of the Palestinian Forces.

Article (56): The President of the National Authority shall appoint and terminate the services of the National Authority's representatives at foreign countries, international organizations and foreign agencies. Further, the President shall accept the credentials of foreign representatives at the Palestinian National Authority.

Article (57):

1. The President of the National Authority shall promulgate laws after being ratified by the Palestinian Legislative Council within (30) thirty days from referring them to him. Otherwise, the President shall return the laws to the Council within the same specified period, together with his comments and objections, or else, the laws shall be considered approved and promulgated immediately in the official gazette.
2. If the President of the National Authority returns the proposed law within the deadline and conditions mentioned in the previous paragraph, and the Council debates it and passes it again with a two third majority, the proposed law shall be considered ratified and shall be published in the official gazette.

Article (58): The President of the National Authority and the Council of Ministers shall have the right to propose laws, issue regulations, and take the necessary actions to execute laws.

Article (59): The President of the National Authority has the right to pardon or commute sentences. General amnesty, however, shall not be granted except through a law.

Article (60): The President of the National Authority shall have the right in exceptional cases, which can not be postponed, and while the Legislative Council is not in session, to issue decisions and decrees that have the power of law. However, the decisions issued shall be presented to the Legislative Council in the first session convened after their issuance, otherwise they will cease to have the power of law. If these decisions were presented as mentioned above, but were not approved, then they shall cease to have the power of law.

Article (61): The President's salary, allowances and compensations shall be determined by a law.

Second: The Council of Ministers

Article (62): The President of the National Authority shall appoint Ministers, remove them, and accept their resignations and presides over the meeting of the Council of Ministers.

Article (63): The President shall be assisted by the Council of Ministers in the performance of his duties and the exercise of his powers in the manner explained in this Basic Law.

Article (64):

1. After the selection of the member of the Council of Ministers by the President of the National Authority, he shall present them to the Legislative Council in the first session for a vote of confidence, after listening to the Ministerial statement, that defines the Government's policy and program.
2. If an absolute majority of the Council does not grant the vote of confidence to all of the Cabinet members, or to any one or more of them, the President of the National Authority shall present a replacement in the next session provided that this is completed within two form the date of the first session.
3. In the case of Cabinet changes, or addition of one Minister, or filling a vacant portfolio for any reason, the new Ministers shall be presented to the Legislative Council in the first session it convenes for a vote of confidence.
4. No Minister shall assume the duties of his position before obtaining the confidence of the Legislative Council.

Article (65): The Cabinet shall comprise of a number of Ministers not to exceed Nineteen Ministers. The decision of appointment shall determine the Ministry that each Minister shall be responsible for.

Article (66): Before assuming their offices, the Ministers shall take the oath stipulated in Article (52) of this Basic law before the President of the National Authority.

Article (67):

1. Every Minister in the Cabinet must submit a financial report for himself, his wife, and dependent "minor" children, detailing what they own in real estate, transferable property, stocks, bonds, cash money, and debts, whether inside Palestine or abroad, to the President of the National Authority, who shall make the necessary arrangements to keep its secrecy. Such information shall be kept in a confidential manner, and will be disclosed only by a permit issued by the Supreme Court when necessary.
2. No Minister may purchase or lease any government property, or from any legal or juridical personality, or to have a financial interest in any contract concluded and with governmental or administrative entities, nor may they, during their terms in office, be Board Members in any company, or practice commerce or any other profession, or receive a salary or any other financial rewards or remuneration from any person in any capacity, other than the one salary determined for the Minister and its allowances.

Article (68):

1. Ministers are responsible to the President of the National Authority, each within his jurisdiction, and for the actions of his Ministry.
2. The Council of Ministry is jointly responsible before the Legislative Council.

Article (69): The President of the National Authority has the right to refer any Minister to investigation as a result of crimes committed by him during, or due to, the performance of his duties.

Article (70):

1. Any accused Minister shall be suspended from performing his duties immediately upon the issuance of indictment. The suspension of a Minister's duties shall not prevent the continuation of the investigation and follow-up procedures against him.
2. The Attorney General, or whoever represents him from the prosecutor's offices shall assume the investigation and indictment procedures. A Minister's trial shall be conducted before the concerned court, and shall follow the provisions and rules prescribed in the penalty law and in the criminal procedures law.
3. The above provisions shall apply to Deputy Ministers, Assistant Ministers, and the like as well.

Article (71): The President of the National Authority may request a vote of confidence for the Cabinet, for a Minister, or for some Ministers, before the Legislative Council. A vote of no-confidence requires and absolute majority of the Council's Members, and shall result in terminating the duties of those who lost confidence.

Article (72): The Council of Ministers shall have the following functions:

1. Devise the general policies within the limits of its jurisdiction "functions", and in light of the Ministerial program approved by the Legislative Council.
2. Execute the general policies set forth by the concerned Palestinian authorities "entities".
3. Prepare the general budget to be presented to the Legislative Council.
4. Prepare the administrative apparatus, develop its structures, and provide it with the necessary means, as well as supervising and following it up.
5. Follow up the implementation of laws, and ensuring compliance with their provisions, and taking necessary actions in this regard.
6. Follow up the performance of different Ministries and all other components of the administrative apparatus, their duties and functions, and coordinating between them.
7. Discussing the proposals and policies of different Ministries concerning the implementation of their functions.
8. Any other functions entrusted to it by this Basic Law, or by any other law or resolution.

Article (73): Every Minister shall exercise the following powers and functions within his Ministry:

1. Proposing the general policy of his Ministry and supervising its implementation after approval.
2. Supervise the conduct of business and affairs within his Ministry, and issue the necessary instruction thereof.
3. Implement the general budget within the funds appropriated for his Ministry.
4. Propose bills and legislation related to his Ministry and present them to the Council of Ministers.
5. Delegate some of his powers to the Deputy Minister, or other senior officers in his Ministry within law.

Article (74): Every Minister shall submit detailed reports to the Council of Ministers on the activities, policies, plans and achievements of his Ministry in comparison with the objectives specified for his Ministry within the framework of the General Plan, and on his Ministry's proposals and recommendations concerning its future policies. These reports shall be submitted regularly every three months, to give the Council of Ministers sufficient information about the activities and policies of each Ministry.

Third: Security Forces and Police

Article (75):

1. Security Forces and the Police are a regular force. It is the armed force in the country, its function is to defend the country, serve people, protect the community and maintain public order, security and morals. This force performs its duties within the limits prescribed by law with complete respect to rights and freedom.
2. Security Forces and the Police shall be regulated by law.

Fourth: Local Administration

Article (76): The country shall be organized, by law, into local administrative units enjoying juridical personality. Each unit shall have a council elected directly as prescribed by law. The law shall determine the jurisdiction "functions" of the administrative units, their financial resources, their relations with central authority, and their role in the preparation and implementation of development plans. Further, the law shall determine the aspect of oversight over these units and their various activities. Demographic, geographical, economical, and political parameters shall be taken into consideration at the time of dividing the country administratively, to provide for the integrity and unity of soil and interests of the country.

Fifth: Public Administration

Article (77): Appointment of all public officials and government staff, and conditions of employment shall be in accordance with law.

Article (78): All affairs related to civil service shall be regulated by law. The Civil Service Bureau shall coordinate with the concerned governmental entities to upgrade and improve public administration.

Further, its point of view shall be taken into consideration upon drafting legislation, laws, and regulations which deal with public administration and its staff.

Sixth: General Finance

Article (79): Public taxes and duties shall not be imposed, amended, and repealed except through law. No one shall be totally or partially exempted from paying these taxes, except in circumstances prescribed by law.

Article (80): The law shall state the provisions concerning the collection of public funds and the procedures for spending therefrom.

Article (81): The beginning and the end of the fiscal year, and the general budget shall be regulated by law. If the general budget was not approved by the beginning of the new fiscal year, expenditure shall continue on the basis of monthly allocation of 1/12 of the fiscal year's budget.

Article (82):

- 1) All revenues received, including taxes, duties, loans, grants, and profits accrued to the Palestinian National Authority from managing its property or activities, shall be paid to the Public Treasury. No part of the Public Treasury funds shall be allocated or spent for any purpose whatsoever except in accordance with the law.
- 2) The Palestinian National Authority may form a strategic financial reserve to encounter fluctuations and emergency situations in accordance with law.

Article (83): Public loans shall be enacted by law. It is not allowed to engage in a project that requires spending funds from the Public Treasury during the next period unless approved by the Legislative Council.

Article (84):

- 1) The law shall regulate the special rules related to the monetary authority, banks, financial papers market, foreign exchange and insurance companies, and all financial and credit institutions.
- 2) The Governor of the Monetary Authority shall be appointed per a resolution issued by the President of the National Authority, and endorsed by the Palestinian Legislative Council.

Article (85): The law shall determine the rules and special procedures for granting contracts related to the utilization of natural resources and public facilities. The law shall also explain the ways of dealing with state-owned real estate and other public and legal characters, or the rules and procedures organizing them.

Article (86): The law shall determine the rules for granting wages, salaries, compensations, subsidies, and rewards incurring on the state's treasury. The law shall also regulate the entities responsible for their implementation. Further, no exceptional funds shall be spent unless within the limits specified legally.

Article (87): A Financial and Administrative Auditing Bureau shall be established to provide financial and administrative oversight on all entities of the Executive Authority, including collection of public revenues, and spending therefrom within the limits of the general budget.

The Bureau shall submit to the President of the National Authority, and to the Legislative Council an annual report - or upon request - about its works and observations.

The Chief of the Financial and Administrative Bureau shall be appointed through a decision issued by the President of the National Authority, and endorsed by the Legislative Council.

CHAPTER FIVE: THE JUDICIAL AUTHORITY

Article (88): The Judicial Authority shall be independent, and shall be assumed by the different types and level of courts. The structure, jurisdiction, and rulings of the courts shall be in accordance with law. The rulings shall be announced and executed in the name of the Palestinian Arab People.

Article (89): Judges shall be independent, and shall not be subject to any authority other than the authority of law while exercising their duties. No other authority may interfere in the judiciary or in the justice affairs.

Article (90):

- 1) Appointment, transfer, secondment, delegation, promotion, and questioning of judges shall be as prescribed in the Independence of Judiciary Law.

- 2) Judges can not be dismissed and their services can not be terminated unless as stipulated in the Independence of Judiciary Law.

Article (91): A Supreme Judicial Council shall be created. The law shall specify its structure, jurisdiction, and operating rules. The Council shall be consulted about draft laws which regulate any affairs of the Judicial Authority to include Public Prosecution.

Article (92):

- 1) Sharia' affairs and personal status shall be assumed by Sharia' and religious courts in accordance with law.
- 2) Military Courts shall be established by special law. Such courts shall not have any jurisdiction beyond military affairs.

Article (93): Administrative Courts may be established by a law to look through administrative disputes and disciplinary claims. The other jurisdictions of such court, and procedures followed before it shall be determined by law.

Article (94):

- 1) A High Constitutional Court shall be established by law to ensure:
 - a. The constitutionality of laws, regulations, rules, and others.
 - b. Interpretation of Basic Laws and legislative texts
 - c. Settle jurisdiction disputes which arise between judicial entities and administrative entities that have judicial jurisdiction.
- 2) The law shall determine the way the High Constitutional Court is structured and composed, operating procedures to be followed, and the impact resultant from its rulings.

Article (95): The Supreme Court shall assume temporarily all duties assigned to the administrative court and to the High Constitutional Court, unless they are within the jurisdiction of other judicial entities in accordance with applicable laws

Article (96): Courts hearings shall be public unless a court decides to make them secret due to considerations related to public order or public morals. In all cases, judgment "sentence" shall be pronounced in a public hearing.

Article (97): Judicial sentences shall be implemented. Abstention or suspension of implementation in any manner shall be considered a crime that qualifies for imprisonment, or dismissal from position, if the accused individual is a public official or servant. The Plaintiff may file his case directly at the concerned court, and the National Authority shall guarantee a full compensation for him.

Public Prosecution

Article (98):

- 1) The Attorney General shall be appointed through a decision issued by the President of the National Authority, based on a recommendation submitted by the Supreme Judicial Council, and endorsement of the Legislative Council.
- 2) The Attorney General shall handle and assume public cases in the name of the Palestinian Arab People. The jurisdiction, functions and duties of the Attorney General shall be determined by law.

Article (99):

- 1) The jurisdiction, functions, structure, and composition of the Public Prosecution shall be regulated by law.
- 2) The appointment, transfer, removal, and questioning of members of Public Prosecution shall be determined by law.

Article (100): Execution sentence issued by any court shall not be implemented unless endorsed by the President of the Palestinian Executive Authority.

CHAPTER SIX: RULES OF THE STATE OF EMERGENCY

Article (101):

- 1) The President of the National Authority may declare a state of emergency by a decree when there is a threat to national security caused by war, invasion, armed insurrection, or at a time of natural disaster for a period not to exceed thirty (30) days.

- 2) The emergency state may be extended for another period of thirty (30) days by securing the approval of two thirds of the Legislative Council.
- 3) The decree declaring a state of emergency shall state its purpose, the territory to which it applies, and its duration.
- 4) The Legislative Council shall have the right to review all or some of the procedures which have been implemented during the emergency state at the first session to be convened after the announcement of the state of emergency, or in the extension session whichever comes earlier, and to conduct the necessary questioning in this regard.

Article (102): It is not allowed, when declaring a state of emergency, to impose restrictions on the basic rights and freedoms, except to the level that is necessary to achieve the objective stated in the decree of the state of emergency

Article (103): Any arrest resultant from the declaration of emergency situation shall be subject to the following minimum requirements:

- 1) Any detention done in accordance with the decree of the emergency situation, shall be reviewed by the Attorney General or by the concerned court during a period not exceeding fifteen (15) days from the date of detention.
- 2) The detained "arrested" individual shall have the right to appoint a lawyer of his choice.

Article (104): The Palestinian Legislative Council shall not be dissolved or suspended during the emergency situation, nor shall the provisions of this chapter be suspended.

Article (105): All provisions which regulate the emergency states implemented in Palestine prior the implementation of this Basic Law shall be canceled, to include the mandate civil defense regulations issued in 1945.

CHAPTER SEVEN: GENERAL & TRANSITIONAL PROVISIONS

Article (106): The provisions of this Basic Law shall apply during the interim period, and can be extended until the implementation of the new constitution of the Palestinian State.

Article (107): Laws shall be promulgated in the name of the Palestinian Arab People, and shall be published immediately in the official gazette. These laws shall come into force 30 days from the date of their publication unless the laws state otherwise.

Article (108): The provisions of laws shall apply only to matters occurring as from the date on which they came into force. However, it can be stated otherwise in articles that are not punitive.

Article (109): Law, regulations and decisions in force in Palestine before the implementation of this law, shall remain in force to the extent that they do not conflict with the provisions of this Basic Law, until they are amended or repealed in accordance with law.

Article (110): Everything in contradiction with the provisions of this Basic Law shall be repealed.

Article (111): The provisions of this Basic Law shall not be amended except with two thirds majority of the Members of the Legislative Council.

Article (112): This Basic Law shall be effective as of publishing it in the official gazette.



CHAIRMAN OF THE NON-ALIGNED MOVEMENT, AMBASSADOR DUMISANI KUMALO OF SOUTH AFRICA, STATEMENT ON THE SITUATION IN THE MIDDLE EAST, UN SECURITY COUNCIL, 3 JUNE 2002

Mr. President,

It is a tremendous joy to see you in the Chair of the Security Council. On behalf of our delegation we wish to congratulate you on assuming the Presidency of the Security Council for this month of June 2002.

On 2 June 2002 a Ministerial delegation of the Non-Aligned Movement visited Ramallah and met with President Arafat in an expression of solidarity with the President and the people of Palestine.

President Arafat briefed the NAM ministers on the latest developments, including the implementation of new restrictive measures against the Palestinian people, which have effectively resulted in the Balkanisation of the occupied territory.

The NAM delegation of ministers reiterated the movement's outrage at the intensification of the illegal Israeli occupation, the killing, vast destruction, the economic strangulation and other atrocities committed against Palestine and its people; including the continuation of the settlement activities especially in and around East Jerusalem.

The NAM delegation of ministers reiterated the Movement's support for the principle of the right of the Palestinian people to self-determination and the establishment of their independent State with East Jerusalem as its capital. They reaffirmed the need for Israel to withdraw to the 1967 borders.

The delegation of ministers congratulated President Arafat on the signing of the "Basis Law" of Palestine; which is an important step towards the establishment of a constitutional law of Palestine.

The NAM delegation of ministers also expressed its support for all international efforts aimed at achieving a just, comprehensive and lasting solution. In this context, the movement unequivocally affirmed its support for the Arab peace initiative and the effort of the Quartet.

The NAM delegation of ministers noted that these efforts by the international community should form the basis of an international conference aimed at the establishment of a road map for the attainment of a lasting peace, and on the basis of the Security Council resolutions 242, 338 and 425 and the Madrid Conference terms of reference on land for peace principals.

The NAM delegation of ministers concluded the visit by wishing President Arafat and the people of Palestine success in their endeavours to find a peaceful solution to this long-standing conflict.

Mr President,

Now that the Non-Aligned Movement has actually visited Palestine and seen for itself the situation on the ground, our sense of urgency is even greater. The NAM remains convinced that something will have to be done about re-starting peace negotiations in the Middle East or the world risks a regional conflagration with potentially devastating consequences.

As the Security Council is aware, the Israeli army has once again attacked the Headquarters of the Palestinian Authority in Ramallah, directly endangering the life of President Arafat in the process. The fact that the Israeli army comes and goes out of the Palestinian cities and refugee camps should be an even greater cause for alarm. The reason is that the Israeli army believes that by maintaining a quite siege of the Palestinian territories, the international community will be fooled into believing that the situation is actually improving.

In actual practice, Israel has long since carved the occupied territories into a series of Bantustans, forced the closure of the offices of foreign representatives in Ramallah and barred diplomats and journalists access to a number of sites in the West Bank and the Gaza strip. The ongoing military incursions, curfews and blockades serve only to deepen the humanitarian crisis and to paralyse the already devastated Palestinian economy. These violent actions therefore inevitably generate further frustration, desperation and violence.

The time has come for Israel, the occupying power, to acknowledge that the legitimate aspirations of the Palestinian people for self determination cannot be thwarted by military might and attacks on their legitimately elected leader.

Mr President,

We fail to see how the Palestinian Authority can be expected to implement effective reforms and to establish conditions of calm and security if the Security Council does nothing to prevent the wholesale destruction of the Palestinian government institutions. We therefore call on the Security Council to take action immediately to ensure full compliance with its resolutions, particularly resolutions 1402 and 1403 (2002). Perhaps even more important is that the Security Council should seriously consider visiting Palestine as the NAM has already done. The Council should speak to people on the ground and assess the situation for itself, just as the NAM has done.

Otherwise, the world will always conclude that the Security Council remains idle whilst Israel pursues a hopeless task of trying to guarantee its security by perpetrating illegal acts of collective punishment against a civilian population. All acts of violence against innocent civilians whether they are Israeli civilians or Palestinian civilians should be condemned, regardless of who perpetrates them.

NAM wishes to repeat once more our principled position that Israel's security and peace in the Middle East will not be achieved until the people of Palestine have a State of their own with East Jerusalem as its capital. Thank you.



**EUROPEAN UNION PRESIDENCY, DECLARATION ON THE MIDDLE EAST,
MADRID, 12 JUNE 2002**

The Presidency of the European Union expresses its deep concern for the current situation and the climate of prevailing violence that represents an obstacle for the renewed efforts in favour of peace.

The Presidency would like to reiterate once again its firm condemnation of the terrorist acts, illegal and immoral, that will only contribute to confrontation and to destroy the hope of peaceful coexistence between the Israeli and Palestinian peoples. The Presidency urges the PNA to redouble its efforts to prevent these acts from taking place again.

The Presidency of the European Union reiterates its conviction that there is no military solution to this conflict. Peace and security will only be achieved through negotiations, which should be started as soon as possible.

Israel has a legitimate right to fight terrorism. This fight must bear in mind the political goal of putting an end to the conflict. The actions carried out against the Mukata Presidential complex, the destruction caused and the measures President Arafat is being subject to, which have prevented the meeting of the new Palestinian Government, are unjustifiable and counter-productive.

The Presidency of the European Union demands the urgent withdrawal of the Israeli army from the occupied cities and particularly asks the Israeli Government to allow the new Palestinian Government to freely perform its duties and confront the new responsibilities derived from such functions.



**PRESIDENT ARAFAT, STATEMENT REGARDING THE NEED TO CEASE
ATTACKS AGAINST ISRAELI CIVILIANS, RAMALLAH, 20 JUNE 2002**

In my official capacity and given my national and regional responsibilities, I find it vitally important to address my People especially during the present dangerous situation, whereby our People and its national existence and future are subjected to the comprehensive and escalatory Israeli military aggression. In this context, I unequivocally declare my condemnation of all attacks that target Israeli civilians, which do not constitute legitimate resistance to the Israeli military occupation nor our legitimate right to defend our national existence, holy sites, and land from the illegal settlement construction.

Targeting civilians, whether they are Israelis or Palestinians, is a deplorable act, which the Palestinian leadership and I personally, along with the international community, abjectly censure. For these attacks have provided the current Israeli government with excuses to invade our land, kill and injure hundreds of our innocent civilians, to obliterate what our People and National Authority have built over the past eight years, as well as destroy our institutions, cities, and refugee camps, and even our holy sites.

At present, the Israeli government is threatening to reinstate military occupation of our land and displace our people, under the pretext of fighting terrorism targeting Israeli civilians.

Consequently, I must vehemently emphasize to you the need to absolutely cease and desist these attacks, which have been persistently condemned by the Palestinian leadership. We have taken serious steps to stop these attacks for the sake of the national interest of our People, particularly as the whole world is united behind our right to regain our land and establish our independent state of Palestine with East Jerusalem as our capital. Regrettably however, there are those who are trying to obstruct realizing this national goal, which the Arab world and the international community fully support.



**PALESTINIAN GOVERNMENT, 100 DAYS PLAN (WITH REFERENCE TO THE
PRESIDENTIAL DECREE OF 12 JUNE 2002), 23 JUNE 2002**

In formulating this plan, the Government was guided by the Presidential decree amending the Cabinet on 9 June 2002, by the President's opening statement in the first meeting of the new Cabinet on 13 June 2002, and by his pronouncements before the Palestinian Legislative Council during its session of 15 May 2002. The Government has thus sought to meet the requirements and demands posed by the current situation, well recognized by all zealous citizens, PLC members and officials, for whom the national good is foremost.

Based on the above, the Palestinian Government:

- Sets out from one goal - in this plan as in all its programs - which is to foster the steadfastness of the Palestinian people and institutions in the face of Israeli occupation and all forms of terrorism that it exercises, settlements, establishment of separation zones, siege and other measures;
- Commits to adhere in its political pursuits to the programs and decisions of the Palestine Liberation Organization and to the Arab Initiative adopted during the Beirut Summit in March 2002;
- Rejects any renewed fragmentation of the solution of our people's cause and emphasizes the necessity of a comprehensive permanent solution based on ending the Israeli occupation of the Palestinian territory, its total withdrawal to the June 4, 1967 lines, the establishment of an independent sovereign Palestinian state with East Jerusalem (Al-Quds Al-Sharif) as its capital and the achievement of a just resolution of the issue of the Palestinian refugees on the basis of UNGA resolution 194;
- Seeks to deepen the national dialogue, involving all parties within the political spectrum in confronting present requirements and future challenges;
- Strives to strengthen relations with the brotherly Arab states, and urges them to persist in implementing the Summit decisions in support of the steadfastness of our people;
- Endeavors to enhance relations with the Arab popular movement and with the World solidarity movement;
- Seeks to establish close working relations with the peace forces in Israel that oppose occupation, racism, and state terrorism;
- Emphasizes its condemnation of all acts of violence that threaten the lives of innocent Palestinian and Israeli civilians, and considers that such acts provide a pretext and a cover for the forces of occupation and aggression in Israel to go to ever higher levels in perpetrating violence and atrocities against Palestinian civilians, while creating an atmosphere of hostility, hate and bewilderment within the Israeli society, thus enabling these forces to persist in implementing their plans, whose cost is paid by both the Palestinian and the Israeli peoples.

- Urges the Quartet (the United States, the European Union, the Russian Federation and the United Nations) to adhere to the positions that have adopted in their recent meeting in Madrid, and calls upon the Quartet to expand its efforts to bring about the implementation of the UN Security Council resolutions, and to commit Israel to abide by the signed agreements, to cease its aggression against Palestinian National Authority areas, to stop its invasions, incursions and re-occupation, and to withdraw its forces from these areas;
- Seeks to strengthen its relations with all friendly countries, in particular Japan, China, the non-aligned countries, and the Islamic and African countries;
- Calls upon all regional and international parties to support the Palestinian National Authority in its quest to end the policy of siege, encirclement and establishment of separation zones that hamper, and can even abort, the implementation of the reform and development plan;
- Expresses its readiness to cooperate effectively with all brotherly, friendly and interested parties all over the world in order to create the appropriate atmosphere to put an end to violence in all its forms, immediately and without delay, and to restore the atmosphere of trust amongst all parties and to launch an effective peace process in order to implement international resolutions and the Arab initiative;
- Stresses that it will work toward the realization of a real and effective peace, for it is a Government that believes in dialogue and respect of international and national legitimacy, and a Government that seeks to pursue all legitimate and peaceful means to achieve the objectives of the Palestinian people to end occupation, enjoy freedom and independence and establish the State of Palestine with East Jerusalem (Al-Quds Al-Sharif) as its capital;
- Acknowledges with gratitude the willingness of brotherly and friendly governments to support the process of reform and development, and urges these governments to fulfill their financial commitments and requests their help in rebuilding the institutions, installations and infrastructure that have been destroyed by the Israeli occupation.

The Palestinian Government, while calling upon all sections of the Palestinian society, in particular the youth, who are the pride and backbone of this steadfast and struggling people, to employ their creative energies in the pursuit of reconstruction and to participate in the making of a promising future and in the making of peace in this blessed and holy land, endeavors to strive truthfully and with unwavering commitment to reform and develop its methods of work and to make them more efficient and effective in the service of the national good, cognizant of the fact that its success in its political and national tasks depends on the trust of its citizens and on its ability to influence the course of events based on this trust. Therefore, the Government takes upon itself to achieve the following:

A- In the general domain

- 1- Reinforce the separation of powers, such that the Legislative Council can play its role to the full, as well as the independence of the judiciary and the rule of law.
- 2- Restructure the ministries and governmental institutions, review their methods of work, and create a modern and effective civil service, as elements of a reform process that ensures the effectiveness and efficiency of work in the service of the citizen.
- 3- Prepare for holding municipal, legislative and presidential elections and ensure that elections are also held within unions and organizations of the civil society, wherever elections have not been held contrary to the by-laws of these organizations, thus reinforcing the principles of democracy, transparency and accountability.
- 4- Put into force all laws that have been passed.
- 5- Give the needs of the people greater attention and endeavor to improve their standard of living, in particular unemployed laborers and other segments of the society that live in dire conditions.
- 6- Rebuild the infrastructure that has been destroyed by the occupation.
- 7- Tend to the needs of the families of martyrs, the wounded, the prisoners, and the detainees.

B- In the domain of public security

- 1- Restructure the Ministry of Interior and modernize its apparatuses as befits the requirements of the present situation.

- 2- Attach the Preventive Security Services, the Police, and the Civil Defense to the Ministry of Interior so that this Ministry will be in charge of all matters relating to internal security according to the law.
- 3- Activate the role of the Ministry of Interior and its apparatuses in the enforcement of court rulings.
- 4- Give utmost attention to the need of the population for safety, order and respect of the law and take measures that respond to the expectations of the people and their demands within the law.
- 5- Deal with the negative phenomena arising from lack of discipline within the security services and weakening social control.
- 6- Reinforce the loyalty to the Authority and to the job within the security services, as a manifestation of the loyalty to the country.
- 7- Raise awareness among the population regarding the need for the preceding measures in order to secure their understanding, cooperation and support.

C- In the financial domain

- 1- Reform operations within the Ministry of Finance with view to serve the public good and to enhance the credibility of the Palestinian National Authority in the financial domain, both internally and externally.
- 2- Deposit all income of the PNA: taxes, fees, profits from commercial and investment activities, foreign aid in grants and loans, including financial extended to projects, in a single account of the treasury, and implement the principle of the indivisibility of the treasury in the management of public funds.
- 3- Reorganize commercial and investment operations run by the PNA through the establishment of a Palestinian Investment Fund that will be responsible for managing all these operations and that will be managed by an accountable board that will be subjected to the most stringent standards of disclosure and auditing.
- 4- Limit expansion of employment in the Public Sector and unify the payroll administration, placing it completely under the Ministry of Finance.
- 5- Finish work on a modern pension scheme and put it into force as quickly as possible.
- 6- Activate and develop internal auditing, through the appointment of financial auditors from the Ministry of Finance in all positions of responsibility; and external auditing, by enhancing the independence of the Office of Auditor General and having it submit regular reports to the President and the PLC.
- 7- Develop the process of preparing the general budget, including the development budget, through the establishment of an organic link between recurrent expenditures and developmental expenditures.
- 8- Put in place a monthly expenditure plan for the remainder of 2002 that can be implemented in view of available resources.
- 9- Start working on preparing the budget for the year 2003 according to the rules and time line in the current legislation.
- 10- Reorganize the financial relations between Ministry of Finance, on the one hand, and the Municipalities and Local Authorities, on the other hand.

D- In the judicial domain

- 1- Activate the judiciary and secure its needs, such as the appointment of the required number of judges and the building of courthouses and offices of the district attorneys in the various cities, as well as building modern prisons.
- 2- Implement measures required by the "Judiciary Law," which went into force on 18 June 2002, such as the formation of the Court of Cassation, the establishment of the "Department of Judicial Inspection," and the modernization and development of court administrations.
- 3- Prepare draft laws, decrees, and decisions that will be required once the Basic Law goes into force.
- 4- Establish the "Governmental Legal Cases Administration," which will handle legal cases to which the Government is party.

E- In other domains

- 1- Seek to reinforce national, patriotic, and religious ethical and humanistic values, having in mind that Palestine represents a holy land to the whole world, and renounce fanaticism in the educational curricula and spread the spirit of democracy, enlightenment, and openness on a wide scale.

- 2- Activate the role of the Ministry of Awqaf in the making of the Palestinian individual, and direct its institutions to serve the national and religious objectives that the PNA seeks to achieve.
- 3- Strive to find solutions to the chronic financial problems of the universities, schools, and hospitals.
- 4- Reconsider all government institutions that operate outside the jurisdiction of the ministries, with view to attach them or incorporate them within the body of the ministries, as a necessary measure to reform the public administration and increase its efficiency, in particular in the domain of information, radio, and television.
- 5- End the role of the security services in civilian affairs that are the responsibility of ministries, according to the law.
- 6- Treat the deficiencies in the present employment policy, which has led to an inflated civil service.
- 7- Unify and develop the various investment institutions and promulgate laws that encourage and bolster investment.
- 8- Train the human resources and employ them under attractive conditions that help reinforce positive work values.
- 9- Coordinate with the Political Department of the PLO in order to increase the effectiveness of the diplomatic corps and to carry out the necessary changes.
- 10- Rebuild the management boards of government institutions according to the law, including the Palestinian Monetary Authority, for which a governor will be appointed.
- 11- Pay special attention to the pollution of the environment and put into force quickly effective measures in order to deal with the illicit transport and burial in Palestinian territory of toxic wastes by Israel.

The Palestinian Government, as an expression of its determination to implement the measures listed above, during the next 100 days, puts forth the following schedule and commits to implement it:

- 1- The Basic Law will be published in the Official Gazette no later than 15/7/2002
- 2- The government will start implementing measures that separate powers immediately.
- 3- A Presidential decree annexing the Preventive Security Services, the Police, and the Civil Defense to the Ministry of Interior will be issued within one week of the adoption of this plan, and the process of annexation will be completed within two months thence.
- 4- Regulations relevant to the Governors will be prepared and issued by the end of September 2002.
- 5- Restructuring all ministries and government institutions and reforming their operations will take place, starting with the conciliation of the operations of the Ministries of Finance, Planning and International Cooperation, and Economy, Industry and Trade within two months of the adoption of this plan.
- 6- Submit the 2003 Budget Law to the Legislative Council on 1/11/2002, as stipulated by the law.
- 7- Submit the Chambers of Commerce, Industry, and Agriculture Law to the Legislative Council within one month.
- 8- Appoint the number of competent judges necessary to activate the judiciary no later than end of September 2002.
- 9- Start preparing for holding presidential and legislative elections within one month with view to hold these elections no later than January 2003.
- 10- Start preparing for holding municipal elections with view to hold these elections no later than March 2003.
- 11- Merge the various information services and domains into the Ministry of Information and Culture no later than end of September 2002.
- 12- The ministries to finish preparing 3-months plans based on the guidelines of this reform and development program and to submit these plans to the Cabinet within two weeks of the adoption of this plan.
- 13- Start working immediately on implementing all other measures in this plan so as to leave an effect, tangible and visible to the people, within 3 months of its adoption.



**US PRESIDENT GEORGE W. BUSH, SPEECH ON THE MIDDLE EAST,
THE ROSE GARDEN, WHITE HOUSE, WASHINGTON, DC, 24 JUNE 2002**

[In his speech, Bush called for a new and different Palestinian leadership as a requirement for a Palestinian state.]

For too long, the citizens of the Middle East have lived in the midst of death and fear. The hatred of a few holds the hopes of many hostage. The forces of extremism and terror are attempting to kill progress and peace by killing the innocent. And this casts a dark shadow over an entire region. For the sake of all humanity, things must change in the Middle East.

It is untenable for Israeli citizens to live in terror. It is untenable for Palestinians to live in squalor and occupation. And the current situation offers no prospect that life will improve. Israeli citizens will continue to be victimized by terrorists, and so Israel will continue to defend herself.

In the situation the Palestinian people will grow more and more miserable. My vision is two states, living side by side in peace and security. There is simply no way to achieve that peace until all parties fight terror. Yet, at this critical moment, if all parties will break with the past and set out on a new path, we can overcome the darkness with the light of hope. Peace requires a new and different Palestinian leadership, so that a Palestinian state can be born.

I call on the Palestinian people to elect new leaders, leaders not compromised by terror. I call upon them to build a practicing democracy, based on tolerance and liberty. If the Palestinian people actively pursue these goals, America and the world will actively support their efforts. If the Palestinian people meet these goals, they will be able to reach agreement with Israel and Egypt and Jordan on security and other arrangements for independence.

And when the Palestinian people have new leaders, new institutions and new security arrangements with their neighbors, the United States of America will support the creation of a Palestinian state whose borders and certain aspects of its sovereignty will be provisional until resolved as part of a final settlement in the Middle East.

In the work ahead, we all have responsibilities. The Palestinian people are gifted and capable, and I am confident they can achieve a new birth for their nation. A Palestinian state will never be created by terror - it will be built through reform. And reform must be more than cosmetic change, or veiled attempt to preserve the status quo. True reform will require entirely new political and economic institutions, based on democracy, market economics and action against terrorism.

Today, the elected Palestinian legislature has no authority, and power is concentrated in the hands of an unaccountable few. A Palestinian state can only serve its citizens with a new constitution which separates the powers of government. The Palestinian parliament should have the full authority of a legislative body. Local officials and government ministers need authority of their own and the independence to govern effectively.

The United States, along with the European Union and Arab states, will work with Palestinian leaders to create a new constitutional framework, and a working democracy for the Palestinian people. And the United States, along with others in the international community will help the Palestinians organize and monitor fair, multi-party local elections by the end of the year, with national elections to follow.

Today, the Palestinian people live in economic stagnation, made worse by official corruption. A Palestinian state will require a vibrant economy, where honest enterprise is encouraged by honest government. The United States, the international donor community and the World Bank stand ready to work with Palestinians on a major project of economic reform and development. The United States, the EU, the World Bank, the International Monetary Fund are willing to oversee reforms in Palestinian finances, encouraging transparency and independent auditing.

And the United States, along with our partners in the developed world, will increase our humanitarian assistance to relieve Palestinian suffering. Today, the Palestinian people lack effective courts of law and have no means to defend and vindicate their rights. A Palestinian state will require a system of reliable justice to punish those who prey on the innocent. The United States and members of the international community stand ready to work with Palestinian leaders to establish finance - establish finance and monitor a truly independent judiciary.

Today, Palestinian authorities are encouraging, not opposing, terrorism. This is unacceptable. And the United States will not support the establishment of a Palestinian state until its leaders engage in a sustained fight against the terrorists and dismantle their infrastructure. This will require an externally supervised effort to rebuild and reform the Palestinian security services. The security system must have clear lines of authority and accountability and a unified chain of command.

America is pursuing this reform along with key regional states. The world is prepared to help, yet ultimately these steps toward statehood depend on the Palestinian people and their leaders. If they energetically take the path of reform, the rewards can come quickly. If Palestinians embrace democracy, confront corruption and firmly reject terror, they can count on American support for the creation of a provisional state of Palestine.

With a dedicated effort, this state could rise rapidly, as it comes to terms with Israel, Egypt and Jordan on practical issues, such as security. The final borders, the capital and other aspects of this state's sovereignty will be negotiated between the parties, as part of a final settlement. Arab states have offered their help in this process, and their help is needed.

I've said in the past that nations are either with us or against us in the war on terror. To be counted on the side of peace, nations must act. Every leader actually committed to peace will end incitement to violence in official media, and publicly denounce homicide bombings. Every nation actually committed to peace will stop the flow of money, equipment and recruits to terrorist groups seeking the destruction of Israel - including Hamas, Islamic Jihad, and Hezbollah. Every nation actually committed to peace must block the shipment of Iranian supplies to these groups, and oppose regimes that promote terror, like Iraq. And Syria must choose the right side in the war on terror by closing terrorist camps and expelling terrorist organizations.

Leaders who want to be included in the peace process must show by their deeds an undivided support for peace. And as we move toward a peaceful solution, Arab states will be expected to build closer ties of diplomacy and commerce with Israel, leading to full normalization of relations between Israel and the entire Arab world.

Israel also has a large stake in the success of a democratic Palestine. Permanent occupation threatens Israel's identity and democracy. A stable, peaceful Palestinian state is necessary to achieve the security that Israel longs for. So I challenge Israel to take concrete steps to support the emergence of a viable, credible Palestinian state.

As we make progress towards security, Israel forces need to withdraw fully to positions they held prior to September 28, 2000. And consistent with the recommendations of the Mitchell Committee, Israeli settlement activity in the occupied territories must stop.

The Palestinian economy must be allowed to develop. As violence subsides, freedom of movement should be restored, permitting innocent Palestinians to resume work and normal life. Palestinian legislators and officials, humanitarian and international workers, must be allowed to go about the business of building a better future. And Israel should release frozen Palestinian revenues into honest, accountable hands.

I've asked Secretary Powell to work intensively with Middle Eastern and international leaders to realize the vision of a Palestinian state, focusing them on a comprehensive plan to support Palestinian reform and institution-building.

Ultimately, Israelis and Palestinians must address the core issues that divide them if there is to be a real peace, resolving all claims and ending the conflict between them. This means that the Israeli occupation that began in 1967 will be ended through a settlement negotiated between the parties, based on U.N. Resolutions 242 and 338, with Israeli withdrawal to secure and recognize borders.

We must also resolve questions concerning Jerusalem, the plight and future of Palestinian refugees, and a final peace between Israel and Lebanon, and Israel and a Syria that supports peace and fights terror.

All who are familiar with the history of the Middle East realize that there may be setbacks in this process. Trained and determined killers, as we have seen, want to stop it. Yet the Egyptian and Jordanian peace treaties with Israel remind us that with determined and responsible leadership progress can come quickly.

As new Palestinian institutions and new leaders emerge, demonstrating real performance on security and reform, I expect Israel to respond and work toward a final status agreement. With intensive effort by all, this agreement could be reached within three years from now. And I and my country will actively lead toward that goal.

I can understand the deep anger and anguish of the Israeli people. You've lived too long with fear and funerals, having to avoid markets and public transportation, and forced to put armed guards in kindergarten classrooms. The Palestinian Authority has rejected your offer at hand, and trafficked with terrorists. You have a right to a normal life; you have a right to security; and I deeply believe that you need a reformed, responsible Palestinian partner to achieve that security.

I can understand the deep anger and despair of the Palestinian people. For decades you've been treated as pawns in the Middle East conflict. Your interests have been held hostage to a comprehensive peace agreement that never seems to come, as your lives get worse year by year. You deserve democracy and the rule of law. You deserve an open society and a thriving economy. You deserve a life of hope for your children. An end to occupation and a peaceful democratic Palestinian state may seem distant, but America and our partners throughout the world stand ready to help, help you make them possible as soon as possible.

If liberty can blossom in the rocky soil of the West Bank and Gaza, it will inspire millions of men and women around the globe who are equally weary of poverty and oppression, equally entitled to the benefits of democratic government.

I have a hope for the people of Muslim countries. Your commitments to morality, and learning, and tolerance led to great historical achievements. And those values are alive in the Islamic world today. You have a rich culture, and you share the aspirations of men and women in every culture. Prosperity and freedom and dignity are not just American hopes, or Western hopes. They are universal, human hopes. And even in the violence and turmoil of the Middle East, America believes those hopes have the power to transform lives and nations.

This moment is both an opportunity and a test for all parties in the Middle East: an opportunity to lay the foundations for future peace; a test to show who is serious about peace and who is not. The choice here is stark and simple. The Bible says, "I have set before you life and death; therefore, choose life." The time has arrived for everyone in this conflict to choose peace, and hope, and life.

Thank you very much.



**STATEMENT BY SOUTH AFRICA AS CHAIR OF THE NON-ALIGNED MOVEMENT
TO THE UN AFRICAN MEETING IN SUPPORT OF THE INALIENABLE RIGHTS
OF THE PALESTINIAN PEOPLE, RABAT, MOROCCO, 24 JUNE 2002**

Excellency, distinguished delegates,

It is a great honour for me to address this meeting on behalf of the Non-Aligned Movement (NAM). I would like to express sincere appreciation to you, Mr Chairman, and to your fellow mem-

bers of the Committee on the Inalienable Rights of the Palestinian People for your tireless efforts to assert the rights of a people who continue to be subjected to an illegal military occupation.

Allow me to express also our gratitude to the Kingdom of Morocco for hosting this important meeting. As we all know this is a critical time for the Palestinians because the Israeli army is intensifying its assault on the institutions and infrastructure of the Palestinian National Authority. There has never been a more appropriate occasion for governments, non-government organisations and civil society in Africa to reaffirm their solidarity with the people of Palestine. In fact the Non-Aligned Movement has taken a number of steps in solidarity with the Palestinian people since the second intifada broke out in September 2000.

Mr Chairman,

On 2 June 2002 Minister Dlamini Zuma of South Africa led a NAM Ministerial delegation to Ramallah in an expression of solidarity with President Arafat and the Palestinian people. President Arafat briefed the NAM Ministers on the latest developments, including the new restrictive measures against the Palestinian people, which are effectively resulting in the Balkanisation of the occupied territory. The NAM delegation reiterated the movement's outrage at the intensification of the illegal Israeli occupation, the killing, vast destruction, the economic strangulation and other atrocities committed against Palestine and its people; including the continuation of settlement activities in and around East Jerusalem.

The visit was an expression of the NAM's long-standing principled position in support of the right of the Palestinian people to self-determination and to the establishment of their own independent State with East Jerusalem as its capital. The NAM has always believed that any lasting solution to the Middle East crisis can only be based on an end to Israel's illegal occupation of Palestinian, Syrian and Lebanese territory and the complete withdrawal of Israeli soldiers and settlements to the 1967 borders.

South Africa has, in accordance with the mandate bestowed on it at the NAM Committee on Palestine Ministerial Meeting in Pretoria in May 2001, undertaken many initiatives to engage with all interested parties to the Middle East conflict. At the beginning of the year President Mbeki invited leading members of the Israeli and Palestinian peace camps to join him and a delegation of current and former South African ministers at a Presidential Peace Retreat at the Spier Estate near Cape Town. The meeting allowed the Israeli and Palestinian delegations to share South Africa's experience in negotiations, peacemaking and transition to democracy. The meeting is part of an ongoing process aimed at creating a favourable environment to restart negotiations and to support the strengthening of the peace coalition in Palestine and Israel, as well as the general dynamic towards peace.

Mr Chairman,

The Non-Aligned Movement is deeply concerned that Israel seems to have developed a culture of acting with impunity when it comes to the United Nations. Israel has consistently ignored resolutions of both the Security Council and the General Assembly. Most recently Israel has failed to implement Security Council resolutions 1402 and 1403 (2002), which call for a cease-fire and the withdrawal of Israeli forces from Palestinian cities. The Security Council also welcomed the Secretary-General's Decision to deploy a fact-finding team to Jenin through the adoption of resolution 1405 (2002) only to have Israel deny the team access to the occupied territories.

The NAM has repeatedly called on the Security Council to discharge its duties with respect to the maintenance of international peace and security and to ensure that Israel complies with its resolutions. Unfortunately, the Security Council has failed to take any action, which has given Israel a green light to continue with its acts of aggression against the Palestinian people.

When it became clear that the Security Council would not take action to ensure compliance with its resolutions, the NAM and Arab Group called for the reconvening of the Tenth Emergency Special Session of the General Assembly. The result of the meeting was that the overwhelming majority of UN members insisted that the Secretary-General should prepare a report on the events at the Jenin refugee camp based on available information. The NAM looks forward to the release of the report in the near future.

Mr Chairman,

An international consensus exists on the need to establish an independent State of Palestine, living side-by-side with Israel with both States enjoying secure and internationally recognised borders. This vision of a two State solution, as enshrined in Security Council resolution 1397 (2002), and the principle of land for peace must therefore underpin any permanent settlement of the Middle East conflict.

In this regard, Mr Chairman, the Non-Aligned Movement reiterates its support for the Arab peace initiative, as well as for the ongoing work of the Quartet and other international efforts towards reducing violence and establishing a clearly defined political horizon.

We are particularly grateful to the United Nations Secretary-General, Mr Kofi Annan, for his balanced and principled approach towards the Middle East crisis and share his conviction that the political, security and economic dimensions of the conflict must be pursued urgently, in parallel and without preconditions.

In his most recent statement to the Security Council the Secretary-General alerted us to the fact that two-thirds of the population of the Gaza Strip and half of the residents of the West Bank now live below the poverty line. These startling figures attest to the devastating impact that Israel's military incursions and acts of collective punishment are having on the Palestinian people. These repressive measures by Israel constitute a gross violation of international humanitarian law and the Fourth Geneva Convention and will serve only to ferment further hatred and resentment against Israel by the Palestinian population.

Mr Chairman,

The NAM deplores the Israeli government's decision to seize Arab land in retaliation to the most recent suicide attacks and to construct a wall around the West Bank. Such provocative actions threaten to further escalate the conflict and will not bring peace and security to Israel. Only a politically negotiated settlement acceptable to both parties and under international supervision will bring peace. It is therefore the NAM's belief that the UN should remain seized with this issue and that the presence of a credible, multinational monitoring mechanism is required on the ground.

In conclusion I would like to thank the Committee on the Inalienable Rights of the Palestinian People, and in particular the Kingdom of Morocco, for supplying the resources and support that have made this meeting possible. I thank you.



**PLO EXECUTIVE COMMITTEE, STATEMENT REJECTING
ISRAEL'S DE-LEGITIMIZATION ATTEMPTS AGAINST THE PALESTINIAN
LEADERSHIP, 30 JUNE 2002**

The Executive Committee of the Palestine Liberation Organization expresses its absolute rejection of all attempts to target the legitimacy of the elected Palestinian leadership and national institutions, especially President Yasser Arafat. These attempts divert attention from the Israeli aggression, following the reoccupation of all Palestinian cities in the West Bank and dividing up the Gaza Strip, which have in effect converted all these cities and areas to besieged cantons. These attempts persist despite the subjection of the Palestinian People to the Israeli occupation army's aggression and enduring the most inhumane forms of collective punishment, mass detentions, destruction of homes, crops, and property, and while this occupying army erects separation walls in order to establish a new apartheid system around Palestinian cities, including the Berlin-like Wall around Holy Jerusalem.

The Executive Committee reiterates that the civilized world today cannot accept the imposition of a mandate system on the Palestinian People or the attempt to create a false leader for it - actions that are utterly unacceptable by international law and covenants as well as those of integrity and honor. This sentiment of rejection was echoed by the G-8 Summit in Canada as well as the Muslim Foreign Min-

isters in Sudan in addition to the non-aligned movement as declared by its President, Mr. Tammu Embeki, Arab States, and the United Nations.

This campaign against the Palestinian leadership is one against the national independence agenda, which is based on international resolutions and law. Furthermore, this campaign is aimed at gradually implementing the canton plan, which Ariel Sharon's government - whose military aggression and occupation has so far been incapable of defeating the People's will and determination - is attempting to impose on the Palestinian People.

The Palestinian leadership, lead by President Yasser Arafat, which has expressed its readiness to recommence responsible political dialogue and participate in an international peace conference, based on the Arab peace initiative and with the goal of implementing relevant international resolutions, reiterates that it shall remain committed to this approach. Additionally, the leadership declares that it shall not be intimidated or blackmailed by any part despite the attempts to divert attention to other peripheral issues.

The Palestinian leadership is also certain of the People's absolute support of this position. The leadership is also confident of our Arab brethren's support of this position and all parties seeking a just peace in the world. Armed with this support, the leadership reiterates that its actions are inspired by the People's determination to stay steadfast in its homeland Palestine.



**PALESTINIAN VISION FOR THE OUTCOME OF PERMANENT STATUS
NEGOTIATIONS, PRESENTED BY DR. NABIL SHA'ATH TO US SECRETARY
OF STATE COLIN POWELL, JUNE 2002**

At this critical time when the international community is seeking to formulate a comprehensive policy regarding the Middle East, the PA believes that it is important to convey the Palestinian vision for ending the Palestinian-Israeli conflict. While many creative and constructive ideas regarding ending the current crisis are being presented, we believe that these ideas will not succeed if they are not accompanied by a clear political horizon that will rekindle hope in a permanent peace based on a negotiated solution.

The Palestinian vision below had been discussed with our Arab friends, in particular Egypt, Jordan and Saudi Arabia, all of whom share our opinion regarding the centrality of a vision of peace to the success of any efforts. The Arab Peace Initiative of March 2002, along with The vision of President Bush, Secretary of State Colin Powell's speech of November 2001, and UN Security Council Resolutions 242, 338, and 1397, are the bases of the Palestinian vision for a permanent status agreement between Palestine and Israel. According to these bases, the following are the main elements of our vision:

The borders between the state of Palestine and the state of Israel will be the June 4th 1967 Armistice Line, though the two sides may agree to monitor, reciprocal, and equal modifications that do not affect, among other things, contiguity. The Palestinian and Israeli sides have no territorial claims beyond the June 4, 1967 borders. These borders will be the permanent boundaries between the two states.

There will be a permanent territorial link established between the West Bank and the Gaza Strip sections of the state of Palestine.

East Jerusalem will become the capital of the State of Palestine and West Jerusalem will become the capital of the State of Israel.

Jerusalem, which is venerated by the three monotheistic religions, will remain open to all peoples.

The Palestinian side will transfer sovereignty over the Jewish Quarter and the Wailing Wall section of the Western Wall in East Jerusalem to Israel, while retaining sovereignty over the remainder of the Old City.

Palestine and Israel will establish security cooperation arrangements that preserve the integrity and sovereignty of each state.

International forces will play a central role in these arrangements. In addition, the two sides will strive to establish a regional security regime. Neither Palestine nor Israel will participate in military alliances against each other, or allow their territory to be used as a military base of operation against each other or against other neighbors. No foreign troops may be stationed in the territory of either state unless otherwise specified in the permanent status agreement or subsequently agreed to by the two parties. Palestine and Israel's respective sovereignty and independence will be guaranteed by formal agreements with members of the international community.

Palestine will agree to limits in the armaments it will possess. In accordance with the Arab Peace Initiative of March 2002, there will be a just and agreed solution to the Palestinian refugee problem based on UN General Assembly Resolution 194.

The issue of water will be resolved in a just and equitable manner in accordance with accepted international norms.

Palestine and Israel will be democratic states with free market economies. The comprehensive permanent status agreement will mark the end of conflict between Palestine and Israel, and its complete implementation will mark the end of claims between them.

Naturally, the realization of this vision requires a parallel process that will create concrete and positive developments on the ground. These will require a policy of de-escalation, de-occupation, ensuring the protection of Palestinian and Israeli peoples in accordance with the rule of law, and the gradual introduction of attributes of sovereignty to buttress and prepare the ground for a permanent status agreement.

There should be a fixed timeline for this process with guaranteed diplomatic involvement in order to ensure that the process does not stall. Part of preparing for eventual Palestinian statehood requires internal Palestinian restructuring, which we have already embarked on in the political, financial and security fields. In the security realm, the ideas suggested by CIA Director George Tenet will be the basis of our efforts.



**JOINT STATEMENT BY THE QUARTET (UN, RUSSIAN FEDERATION,
THE US AND THE EU), NEW YORK, 16 JULY 2002**

United Nations Secretary-General Kofi Annan, Russian Foreign Minister Igor Ivanov, U.S. Secretary of State Colin L. Powell, Danish Foreign Minister Per Stig Moeller, High Representative for European Common Foreign and Security Policy Javier Solana and European Commissioner for External Affairs Chris Patten met in New York today. The Quartet members reviewed the situation in the Middle East and agreed to continue close consultations, as expressed in the Madrid Declaration, to which the Quartet remains fully committed, to promote a just, comprehensive, and lasting settlement of the Middle East conflict. The Quartet expresses its support for the convening of a further international Ministerial meeting at an appropriate time.

The Quartet deeply deplores today's tragic killing of Israeli civilians and reiterates its strong and unequivocal condemnation of terrorism, including suicide bombing, which is morally repugnant and has caused great harm to the legitimate aspirations of the Palestinian people for a better future. Terrorists must not be allowed to kill the hope of an entire region, and a united international community, for genuine peace and security for both Palestinians and Israelis. The Quartet expresses once again its profound regret at the loss of innocent Israeli and Palestinian lives, and extends its sympathy to all those who have suffered loss. The Quartet members expressed their increasing concern about the mounting humanitarian crisis in Palestinian areas and their determination to address urgent Palestinian needs.

Consistent with President Bush's June 24 statement, the UN, EU and Russia express their strong support for the goal of achieving a final Israeli-Palestinian settlement which, with intensive effort on

security and reform by all, could be reached within three years from now. The UN, EU and Russia welcome President Bush's commitment to active U.S. leadership toward that goal. The Quartet remains committed to implementing the vision of two states, Israel and an independent, viable and democratic Palestine, living side by side in peace and security, as affirmed by UN Security Council Resolution 1397. The Quartet members, in their individual capacity and jointly, pledge all possible efforts to realize the goals of reform, security and peace and reaffirm that progress in the political, security, economic, humanitarian, and institution-building fields must proceed together, hand-in-hand. The Quartet reiterates its welcome of the initiative of Saudi Arabia, endorsed by the Arab League Beirut Summit, as a significant contribution towards a comprehensive peace.

To assist progress toward these shared goals, the Quartet agreed on the importance of a coordinated international campaign to support Palestinian efforts at political and economic reform. The Quartet welcomes and encourages the strong Palestinian interest in fundamental reform, including the Palestinian 100-Day Reform Program. It also welcomes the willingness of regional states and the international community to assist the Palestinians to build institutions of good government, and to create a new governing framework of working democracy, in preparation for statehood. For these objectives to be realized, it is essential that well-prepared, free, open and democratic elections take place. The new international Task Force on Reform, which is comprised of representatives of the U.S., EU, UN Secretary General, Russia, Japan, Norway, the World Bank and the International Monetary Fund, and which works under the auspices of the Quartet, will strive to develop and implement a comprehensive action plan for reform. The inaugural meeting of this Task Force in London July 10 discussed a detailed plan including specific Palestinian commitments. It will meet again in August to review actions in areas including civil society, financial accountability, local government, the market economy, elections, and judicial and administrative reform.

Implementation of an action plan, with appropriate benchmarks for progress on reform measures, should lead to the establishment of a democratic Palestinian state characterized by the rule of law, separation of powers, and a vibrant free market economy that can best serve the interests of its people. The Quartet also commits itself to continuing to assist the parties in efforts to renew dialogue, and welcomes in this regard the recent high-level ministerial meetings between Israelis and Palestinians on the issues of security, economics and reform.

The Quartet agreed on the critical need to build new and efficient Palestinian security capabilities on sound bases of unified command, and transparency and accountability with regard to resources and conduct. Restructuring security institutions to serve these goals should lead to improvement in Palestinian security performance, which is essential to progress on other aspects of institutional transformation and realization of a Palestinian state committed to combating terror.

In this context, the Quartet notes Israel's vital stake in the success of Palestinian reform. The Quartet calls upon Israel to take concrete steps to support the emergence of a viable Palestinian state. Recognizing Israel's legitimate security concerns, these steps include immediate measures to ease the internal closures in certain areas and, as security improves through reciprocal steps, withdrawal of Israeli forces to their pre-September 28, 2000 positions. Moreover, frozen tax revenues should be released. In this connection, a more transparent and accountable mechanism is being put into place. In addition, consistent with the Mitchell Committee's recommendations, Israel should stop all new settlement activity. Israel must also ensure full, safe and unfettered access for international and humanitarian personnel.

The Quartet reaffirms that there must be a negotiated permanent settlement based on UN Security Council resolutions 242 and 338. There can be no military solution to the conflict; Israelis and Palestinians must address the core issues that divide them, through sustained negotiations, if there is to be real and lasting peace and security. The Israeli occupation that began in 1967 must end, and Israel must have secure and recognized borders. The Quartet further reaffirms its commitment to the goal of a comprehensive regional peace between Israel and Lebanon, and Israel and Syria, based upon Resolutions 242 and 338, the Madrid terms of reference, and the principle of land for peace.

The Quartet looks forward to upcoming consultations with the Foreign Ministers of Jordan, Egypt, Saudi Arabia, and other regional partners, and determines to continue regular consultation on the situation in the Middle East at the principals' level. The Quartet envoys will continue their work on the ground to support the work of the principals, to assist the Task Force on Reform, and to aid the parties in resuming a political dialogue in order to reach a solution to the core political questions.



**THE AYALON-NUSSEIBEH STATEMENT OF PRINCIPLES
("THE PEOPLE'S VOICE"), 27 JULY 2002**

[Israeli-Palestinian civil initiative drafted and signed by former head of the Israel Security Service and senior Labor Party leader Ami Ayalon and Al-Quds University President Sari Nusseibeh]

COVER LETTER

The Palestinian people and the Jewish people each recognize the other's historic rights with respect to the same land.

The Jewish people have for generations wanted to establish the Jewish state in the land of Israel, while the Palestinian people have similarly wanted to establish a state in Palestine.

The two sides hereby agree to accept a historic compromise based on the principle of two sovereign and viable states existing side by side. The following Statement of Intentions is an expression of the will of the majority of the people. Both sides believe that through this initiative they can influence their leaders and thereby open a new chapter in the region's history. This new chapter will be realized by calling on the international community to guarantee security in the region and to help in rehabilitating and developing the region's economy.

THE PEOPLE'S VOICE - STATEMENT OF INTENTIONS

1. Two states for two peoples: Both sides will declare that Palestine is the only state of the Palestinian people and Israel is the only state of the Jewish people.
2. Borders: Permanent borders between the two states will be agreed upon on the basis of the June 4, 1967 lines, UN resolutions, and the Arab peace initiative (known as the Saudi initiative).
 - Border modifications will be based on an equitable and agreed-upon territorial exchange (1:1) in accordance with the vital needs of both sides, including security, territorial contiguity, and demographic considerations.
 - The Palestinian State will have a connection between its two geographic areas, the West Bank and the Gaza Strip.
 - After establishment of the agreed borders, no settlers will remain in the Palestinian State.
3. Jerusalem: Jerusalem will be an open city, the capital of two states. Freedom of religion and full access to holy sites will be guaranteed to all.
 - Arab neighborhoods in Jerusalem will come under Palestinian sovereignty, Jewish neighborhoods under Israeli sovereignty.
 - Neither side will exercise sovereignty over the holy places. The State of Palestine will be designated Guardian of al-Haram al-Sharif [The Temple Mount; y.a.] for the benefit of Muslims. Israel will be the Guardian of the Western Wall for the benefit of the Jewish people. The status quo on Christian holy site [sic.] will be maintained. No excavation will take place in or underneath the holy sites without mutual consent.

4. Right of return: Recognizing the suffering and the plight of the Palestinian refugees, the international community, Israel, and the Palestinian State will initiate and contribute to an international fund to compensate them.
- Palestinian refugees will return only to the State of Palestine; Jews will return only to the State of Israel.
 - The international community will offer to compensate toward bettering the lot of those refugees willing to remain in their present country of residence, or who wish to immigrate to third-party countries.
5. The Palestinian State will be demilitarized and the international community will guarantee its security and independence.
6. End of conflict: Upon the full implementation of these principles, all claims on both sides and the Israeli-Palestinian conflict will end.



**JOINT COMMUNIQUÉ, 35TH ASEAN MINISTERIAL MEETING, BANDAR SERI
BEGAWAN, 29-30 JULY 2002 [EXCERPTS]**

Responding to Challenges: Securing A Better Future

1. We, the Foreign Ministers of the Association of Southeast Asian Nations (ASEAN), met in Bandar Seri Begawan to review regional and international political and economic developments, bearing in mind our resolve, to take full advantage of the opportunities offered by globalisation and address the new security concerns raised by the September 11, 2001 terrorist attacks in the United States. These were among the important factors in the evolving situation that underlined the urgency for ASEAN to respond.

[...]

49. We expressed concern over the latest developments in the Middle East and condemned the recent Israeli air attack in Gaza resulting in the death of innocent civilians. We reaffirmed our support for the Middle East Peace Process and called on Israel and the Palestinian Authority to resume peaceful negotiations towards a comprehensive and full settlement of the Arab-Israeli conflict. We reiterated the importance of ensuring full implementation of all relevant United Nations resolutions and the pledges and commitments made by both parties at the Madrid Conference and at Sharm El-Sheikh. We welcomed all peace initiatives aimed towards achieving a comprehensive and lasting solution to the Middle East problem. [...]



**THE BERTINI REPORT, MISSION REPORT BY THE PERSONAL HUMANITARIAN
ENVOY OF THE UN SECRETARY-GENERAL, 11-19 AUGUST 2002**

[Report prepared by Catherine Bertini, Personal Humanitarian Envoy of UN Sec.-Gen. Annan, denouncing the humanitarian crisis in the West Bank and Gaza, which is linked particularly to the measures imposed by Israel. The report was not binding and was rejected by Israel.]

A. INTRODUCTION

B. OVERVIEW

C. OBSERVATIONS

I. Crisis of Access and Mobility

1. Closures and Curfews as Security Measures

2. The Closure and Curfew Regime
 3. Loss of Access to Employment and Income
 4. Loss of Access to Basic Services and Needs
 5. The Importance of the Upcoming Olive Harvest
 - II. Humanitarian Situation
 1. Indicators of a Growing Humanitarian Crisis
 - III. Humanitarian Response and Coordination
 1. Recent Expansion of Assistance Activities
 2. Access and Other Operational Constraints for Assistance Activities
 3. The Gap Between Israeli Policy and Implementation
 4. Capacity of the Palestinian Authority as Service Provider
 5. Central Importance of UNRWA and Support by the Government of Israel
 6. Appropriate Forms of Assistance
 7. Coordination
 - IV. International Humanitarian Law and the Protection of Civilians
 1. Obligations under International Humanitarian Law
 2. Safety and Protection of Civilians
- D. COMMITMENTS MADE BY ISRAEL
- I. Immediate Results of the Mission
 - II. Previous Commitments Made by Israel
- E. RECOMMENDATIONS
- I. Measures that should be taken by the Government of Israel
 1. Security
 2. Access by the Population to Basic Services and Needs
 3. Access by the Population to Employment and Income
 4. Access by Aid Organizations
 5. Release of Funds to the Palestinian Authority
 - II. Measures that should be taken by the Palestinian Authority
 1. Integrity of Aid Activities and Supplies
 2. Emergency Management Plan
 - III. Assistance Activities
 1. Technical Assessment Mission
 2. Support to Local Mechanisms
 3. Assistance to the Palestinian Authority and Palestinian NGOs
 4. Temporary Increase in International Staff
 5. Monitoring of Commitments
 6. Coordination
 7. Funding for UNRWA and Other Aid Organizations

- ANNEXES:
- A Mission Itinerary
 - B Map of Checkpoints in the West Bank
 - C The Relationship Between Economic Growth and Closure
 - D Funding of UN Agencies' Emergency Appeals

A. INTRODUCTION

1. In response to a request from Prime Minister Sharon of Israel to the Secretary-General to assist in addressing humanitarian needs arising from the ongoing Israeli-Palestinian conflict, as well as concerns expressed by the Quartet about the mounting humanitarian crisis, the Secretary-General appointed Ms. Catherine Bertini as his Personal Humanitarian Envoy on 7 August 2002. Ms. Bertini was asked to travel to the region to assess the nature and scale of the humanitarian crisis, to review humanitarian needs in light of recent developments, to identify what needs to be done to respond to the humanitarian situation and prevent its further deterioration, and to clarify the respective responsi-

bilities of all actors with regard to humanitarian needs. She was further tasked to report on her observations and recommendations to the Secretary-General and, through him, to the Quartet.

2. Ms. Bertini traveled to the region from 12 to 19 August accompanied by a small team. The mission was ably supported by the Office of the United Nations Special Coordinator (UNSCO). The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) also provided significant assistance. During the mission, Ms. Bertini had the opportunity to meet with the senior leaders of the State of Israel and the Palestinian Authority, including Prime Minister Sharon, Foreign Minister Peres and Defense Minister Ben-Eliezer as well as with Chairman Arafat, Minister of Local Government Erekat, Minister of Social Affairs Al-Wazeer and Health Minister Zahnoun. She traveled to both the West Bank and Gaza where she met with a wide variety of local leaders, women's groups, youth, business people, farmers and labour leaders and with Palestinians in their homes and places of work. She visited refugee camps, women's centres, villages and neighbourhoods throughout the West Bank and Gaza. Ms. Bertini also met with representatives of UN agencies, NGOs, the ICRC and donors. A complete itinerary of the mission is attached as Annex A.

B. OVERVIEW

3. The mission concluded that there is a serious humanitarian crisis in the West Bank and Gaza. The crisis is not a "traditional" humanitarian crisis, such as those caused by famines or droughts, but is inextricably linked to the ongoing conflict and particularly to the measures imposed by Israel in response to suicide and other attacks against Israeli military and civilian targets. Unless the situation improves, the lives of Palestinians will continue to deteriorate and the humanitarian crisis will quickly spiral out of control. Conversely, if the overall environment improves sufficiently to enable a free flow of people, goods and services, the humanitarian crisis will rapidly dissipate.
4. The situation is a crisis of access and mobility. Palestinians are subject to a variety of closures, curfews, roadblocks and restrictions that have caused a near-collapse of the Palestinian economy, rising unemployment, increased poverty, reduced commercial activities, limited access to essential services (such as water, medical care, education, emergency services) and rising dependency on humanitarian assistance. The restrictions affect almost all activities, rendering most Palestinians unable to carry out any semblance of a normal life and subject to daily hardships, deprivations and affronts to human dignity.
5. Restrictions on access and mobility largely prevent travel to or from Jerusalem, Gaza and the West Bank and allow for travel abroad only with great difficulty. Palestinians, with limited exceptions, can no longer work in Israel. Within Gaza and particularly the West Bank, Palestinians are subject to a wide variety of restrictions that prevent or seriously inhibit movement and generally keep people confined to their villages or cities and often to their houses for extended periods. Opportunities to earn a living, access basic services or conduct routine business have been drastically reduced.
6. The mission observed numerous indicators of the mounting humanitarian crisis. These include a lack of money to purchase essential supplies, deteriorating health and sanitation and increasing dependency on food assistance. Currently, while malnutrition levels are increasing, some 1.5 million Palestinians of a total population of 3.3 million receive direct food assistance, a more than five-fold increase over assistance levels two years ago. The overall unemployment rate has reached an estimated 50 percent while fully two thirds of the population are now at the poverty level. Coping mechanisms, which initially consist most often of borrowing and drawing on savings, are approaching exhaustion as the economy winds down.
7. There is widespread recognition by all parties in the region of the growing humanitarian crisis. Israeli authorities have relaxed some controls by allowing more permits for work in Israel. The Palestinian Authority, UN agencies, NGOs, the ICRC and donors are reluctantly re-orienting increasing resources from development towards relief. If current conditions persist, the proportion of efforts and resources devoted to direct humanitarian assistance will have to grow significantly.
8. The mission obtained several commitments from Israeli authorities to address some of the most immediate constraints. These include a commitment to clear all ambulances at checkpoints in no longer than 30 minutes, establish mechanisms to permit swift transit of checkpoints by Palestinians in need of critical medical services and to ensure the regular and uninterrupted delivery of water to cities and villages. Previously, Israel had committed itself to improving the situation at checkpoints, including the deployment of more experienced Israeli Defense Forces (IDF) personnel, and full implementation of a twelve-mile fishing zone off the Gaza coast. Implementation of these five

measures will save lives, provide a measure of relief and represent a glimmer of hope on an otherwise bleak horizon. It should be recognized that these are small steps forward that address symptoms rather than causes. However, their effective and timely implementation is nevertheless critical.

C. OBSERVATIONS

I. Crisis of Access and Mobility

Closures and Curfews as Security Measures

9. In reviewing the effects of the closure and curfew regime on the Palestinian population, it should be borne in mind that the Government of Israel maintains that all of restrictions it has imposed on Palestinians and others are intended and necessary to protect its own civilian population from further terrorist attacks. The Government of Israel also believes that the tight internal and external closures and curfews have in fact prevented a significant number of attacks inside Israel. In discussions with the mission, Israeli government officials stated that, in their experience, any lifting of restrictions on movement almost immediately results in attempts to plan or carry out attacks against Israeli military or civilian targets. The Government of Israel also justifies restrictions on the movement of ambulances by citing cases in which they assert ambulances were used to transport explosives or armed men. While acknowledging the impact of the current regime on the Palestinian population and its potential to result in an increase in violence in the medium and long term, Israeli officials see it as their first priority to prevent attacks on their population today.
10. On the other hand, among the Palestinians the mission spoke with, there is a strongly held belief that many of the imposed restrictions have no discernable security purpose. Several Palestinians, including members of the Palestinian Authority, business leaders and ordinary citizens, believe that these measures are instead intended as punishment and humiliation of the Palestinian population as a whole. Some also expressed the view that the measures by the Government of Israel are intended to "break the backs" of the Palestinians in preparation for a political settlement that would otherwise be unacceptable to them. The most common examples that are given for measures that fall into this category are: numerous checkpoints that are easily circumvented on foot with heavy baggage in full view of IDF soldiers; the "back-to-back" system for trucks inside the West Bank, where, according to statements made by Palestinians, often no security checks are carried out; the extensive delays or denials of access for essential supplies and services, such as ambulances and water tankers; the continuing destruction of civilian infrastructure; and extended curfews which prevent entire populations from leaving their homes.
11. Among donor countries' local representatives, the mission found a high degree of skepticism about the necessity of a range of restrictions for the purpose of maintaining security. Several areas were mentioned where security arguments made by the Government of Israel to justify general restrictions either did not appear to be based on actual security concerns or did not result in the implementation of effective security procedures, even when donors were willing to help fund them. Donor representatives also saw a contradiction between Israeli appeals for increased international assistance to the Palestinian population and the severe constraints often imposed on assistance activities, including the movement of international personnel and essential supplies. Another concern expressed by some donors was that IDF soldiers, responsible for administering the current closure regime, apparently are not being encouraged to ease the burdens on the Palestinian population or the constraints on those trying to assist them.
12. The mission was not tasked with reviewing the measures put in place by the Government of Israel on the basis of their necessity or effectiveness for security purposes. The mission was asked to review the humanitarian situation in the West Bank and Gaza. There is a consensus among all parties, and this report confirms, that the current regime of closures and curfews is having a devastating impact on the Palestinian population, both on their economy and the humanitarian situation. As a consequence, it is incumbent upon the Government of Israel to minimize as much as possible these adverse effects on civilians while at the same time safeguarding the security of its civilian population. In striking an appropriate balance between these sometimes competing interests, the necessity, effectiveness and proportionality of all measures taken to ensure security should be reviewed carefully and continuously. In addition, gaps between stated official Israeli policy, which is to minimize harm to civilians and to fully facilitate assistance activities, and its implementation on the ground must be closed. Finally, it must be recognized that the social and economic misery of

the Palestinian people is a serious obstacle to achieving lasting peace and security. Sharply declining living conditions help destabilize the political environment and increase the sense of desperation that is so successfully exploited by extremists.

The Closure and Curfew Regime

Closures

13. Israel has been imposing "closures" since the situation started deteriorating in late September 2000. There are three forms of closure restrictions: internal closure within the West Bank and Gaza, closure of the border between Israel and the Occupied Palestinian Territory, and closure of international crossings between the Occupied Territory and Jordan and Egypt. Israel has steadily tightened each form of closure, particularly since the violent events of March and April 2002, resulting, according to the World Bank, in the most severe and sustained mobility restrictions since 1967. Stricter enforcement and an increase in checkpoints, roadblocks and border controls have confined Palestinians to progressively smaller areas.
14. The IDF currently holds positions encircling most Palestinian cities and has established an extensive system of checkpoints and roadblocks, including trenches, earth mounds and concrete blocks. The number of manned checkpoints varies but generally is in the range of 120 in total, with 80 to 90 in the West Bank alone. A recent map of checkpoints in the West Bank is attached as Annex B. The number of additional unmanned roadblocks is estimated to be around 200. The level of internal closure is distributed unevenly across the Occupied Palestinian Territory. The areas which are typically most affected in the West Bank are the Tulkarm/Jenin/Qalqiliya crescent in the north-west, Nablus, Ramallah/Al-Bireh in the central West Bank and Jericho, Bethlehem and Hebron in the south. In Gaza internal closures primarily affect north-south travel, at times creating three semi-isolated enclaves (Gaza City, the Jabalia area and Rafah/Khan Yunis). The external and internal movement of goods has been further affected by the introduction in May 2002 of the "back-to-back system" in the West Bank according to which goods have to be offloaded from incoming trucks and then re-loaded onto local trucks at eight checkpoint locations near major Palestinian cities. Previously the "back-to-back" system had only been in place for the transport of goods from Israel to the West Bank and Gaza.

Curfews

15. In addition to the closures between population centers, curfews have been imposed in most major cities and towns of the West Bank (and some areas of Gaza), at some stage directly affecting approximately 600,000 people according to UNSCO estimates. The curfews are often in force round-the-clock and lifted only periodically, resulting in some West Bank locations being under curfew for 90 percent of the time. During curfews, the population is not permitted to leave their houses and IDF soldiers are authorized to shoot-to-kill any violators. In addition to ambulances, which are generally permitted to operate during curfews, a limited number of permits have been granted to municipal workers conducting emergency repairs. However, with the exception of certain refugee camps and other areas the IDF is less likely to patrol, the entire civilian population essentially remains under house arrest during curfews and commercial activities come to a halt.
16. In some cases, these periods can last for more than one week without interruption. For example, when the mission visited Nablus on 17 August, the curfew was lifted for the first time since the previous Friday, 9 August. Curfews are also imposed on larger villages on a regular basis, such as the curfew that was imposed on Beit Furik, a village near Nablus, about one hour after the mission departed at around 12 p.m.
17. One factor that has made curfews particularly disruptive and dangerous to the civilian population is the unpredictability of the liftings and the lack of reliable information regarding their exact timing. Announcement made by the IDF are often not heard in all areas under curfew and residents are forced to rely on media reports or informal sources (e.g. bakeries which are often told of liftings in advance) to learn when curfews are to be lifted and for how long.
18. While a total of 55 localities in the West Bank remained under total or partial curfew by mid-August 2002, the curfew regime has recently been relaxed in several cities. Curfews were lifted entirely in Qalqiliya and Hebron. In Jenin, Ramallah and Bethlehem the curfew has been lifted for 12 hours daily, except for Fridays. However, Tulkarm and Nablus remain under severe curfew, with sporadic lifting for several hours occurring every few days. In Nablus, the curfew has only been lifted for a total of 52 hours over a period of 62 days.

Effects on the Movement of People, Goods and Money

19. As a consequence of the restrictions on movement, most Palestinians remain confined to their own villages and towns, unable to access any other areas for work, education, to purchase goods, receive medical care or any other purposes. Since May 2002, Palestinians in the West Bank can travel between cities and between villages and cities only with a permit issued by the Israeli authorities that allows travel between 5 a.m. and 7 p.m. In addition, Palestinians can no longer travel from the West Bank or Gaza to Israel or East Jerusalem without special permits. These permits remain largely unavailable to ordinary Palestinians and are only issued for one month at a time. Even those Palestinians who have special permits are not allowed to drive to Israel or East Jerusalem in their own vehicles, which requires separate driving permits that are no longer available. Travel time for all Palestinians has increased exponentially, in many cases by several hours for short distances.
20. Movements from villages to surrounding fields have become increasingly difficult. The IDF has been destroying or blocking numerous side roads which farmers used to reach their fields. The mission for example had to bypass several trenches and earth mounds during a visit to olive groves near Beit Furik. An additional factor that has affected access to agricultural areas is settler violence. Farmers working in fields and orchards near settlements (which are typically built on or near mountaintops and overlook large areas) or near bypass roads have been shot at and stoned. Significant areas of agricultural land have therefore become inaccessible to them.
21. Transporting goods, including water, raw materials, vegetables, fruit and other products, within the West Bank and Gaza has also become increasingly cumbersome and in some cases impossible. Travel distances, time and cost for commercial transportation have been rising steadily. Checkpoints and roadblocks that prevent transit force Palestinian trucks to take dirt roads, significantly increasing travel time and maintenance costs. Except for certain food transports and municipal vehicles, trucks generally have no access to any areas under curfew.
22. The mission spoke with the chief executives of two major Palestinian companies about the difficulties they were facing on a daily basis. One stated that he spends most of his time lately on logistical efforts. His company's storage and maintenance cost had doubled since additional storage facilities had to be established and trucks were forced to travel on dirt roads for most deliveries. Half of the company's staff currently sleeps on the factory premises since internal closures prevent them from reaching home or because their commuting time has multiplied, in some cases from 20 minutes to more than three hours. The other executive recounted how even sophisticated equipment often had to be transported to remote locations on foot or by mule.
23. Certain measures taken by Israel over the past few months have resulted in minor improvements in the movement of goods to Gaza and access by a small number of people to Israel. The Karni commercial crossing from Israel to Gaza has been reopened to a limited amount of containerized traffic. Inside the Gaza Strip, the Abu Houli checkpoint that had been disrupting the movement of people and goods since May 2002 has been open more frequently. Another measure taken by Israel was the announced extension of the fishing zone off Gaza to 12 miles which still must be effectively implemented.
24. The Government of Israel has also increased the number of available work permits for Palestinian laborers, particularly those crossing from Gaza into Israel. According to UNRWA, on average approximately 8,000 Palestinian workers have recently been granted permits on a daily basis as compared to an average of 2-3,000 permits in the first half of 2002. In addition, Israel has increased the number of permits for industrial parks that are located close to Gaza and the West Bank. According to Israeli authorities, Israel intends to increase the number of permits for the Erez industrial park from 3,000 to 7,000 in the near future. Also mentioned was that an additional 5,000 permits have been issued to tradesmen and a further 3,000 to people working in settlements. Israel intends to increase the total number of permits gradually, depending on security conditions. The average number of permits for workers in Israel that was issued before September 2000 was 55,000.

Loss of Access to Employment and Income

25. The regime of closures and curfews over the past 23 months has had a cumulative and devastating impact on the Palestinian economy. The most significant effect of this economic collapse on the humanitarian situation has been a steep decline in income levels and purchasing power.

Unemployment and Decline in Production

26. The economic decline has been driven by a rapid rise in unemployment in the private sector. During the last quarter of 2000, about 100,000 jobs in Israel were lost according to World Bank estimates, including tens of thousands of workers who had worked in Israel without permits. An additional 60,000 jobs inside the West Bank and Gaza were lost by the end of 2001 as demand collapsed and businesses laid off workers. In addition to the reduction in permits to enter Israel, stricter controls on routes to Israel and the settlements have discouraged the large number of non-permit holding workers who, according to the World Bank, accounted for more than half of the Palestinians working in Israel and the settlements before September 2000. The decrease in remittances from Palestinian workers in Israel, whose wages are significantly higher than in the West Bank and Gaza, has depressed overall purchasing power and employment inside the West Bank and Gaza. In addition to these job losses, more than 120,000 additional people have joined the working-age population since September 2000.
27. By the end of 2001, the World Bank estimated unemployment at 26 percent compared to ten percent in late 2000. According to recent UNSCO estimates, overall unemployment rates have doubled since then, reaching 50 percent during the second quarter of 2002. In addition, a large percentage of the labor force relies heavily on day labor and is deprived of their income during periods under curfew.
28. The closure and curfew regime has also resulted in an almost complete cessation of productive activity in the main West Bank centers of manufacturing, construction, commerce and private and public services, which, according to UNSCO estimates, account for at least 75 percent of the goods and services produced in the West Bank. UNSCO also estimates that income losses to date for 2002 alone are approaching \$1 billion, with losses since September 2000 at \$3.3 billion. The chart attached as Annex C illustrates the direct correlation between per capita income and the number of annual closure days in effect since 1994.
29. The impact of recent events on agricultural production, which is a source of main and secondary income to a large portion of the rural population, has also been severe. In addition to physical destruction estimated at \$167 million and extensive water shortages, the closures have been preventing farmers from pruning, harvesting, processing and marketing a variety of crops. The orange harvest in Gaza, for example, was almost entirely lost because no exports were allowed until the oranges were no longer marketable. A total collapse of the agriculture sector would also have a significant impact on food security. As described in paragraph 54, rural areas already show higher levels of acute malnutrition than urban areas.

Rising Poverty Levels

30. The level of poverty in the West Bank and Gaza has multiplied over the past two years. In September 2000, the World Bank estimated that 21 percent of the population lived below the poverty line (defined as less than \$2 consumption per person per day). By January 2001, the poverty ratio had risen to 33 percent. Data collected by the Palestinian Central Bureau of Statistics (PCBS) in January and February of 2002 suggests that poverty levels have doubled since then, rising to 66.5 percent (57.8 percent in the West Bank and 84.6 percent in Gaza).
31. At the same time as poverty rates have increased threefold, there has not been a general decrease in prices. Despite an overall decrease in demand, supply has also decreased in many areas due to market disruptions caused by access restrictions. In addition, the price structure in both the West Bank and Gaza remains heavily influenced by prices in Israel, resulting in an environment where prices remain high but incomes have collapsed.

Loss of Access to Basic Services and Needs

32. From a humanitarian perspective, the most devastating consequence of the closure regime is that large parts of the civilian population are neither able to access nor be provided with the most basic services. In part, this has been the result of the widespread loss of income. An increasing portion of the population is simply no longer able to afford basic services or to meet basic needs. The closures also have a more direct impact on access to basic services. They physically prevent people in need from reaching services, for example patients with chronic diseases who can not travel

to towns and cities to receive treatment. At the same time, the civilian population is often cut off from essential supplies and services that can not reach them, for example patients in need of medicine and villages that rely almost exclusively on water tankers during the summer months. The services most affected have been health, education, food, and water and sanitation.

Health

33. Access restrictions continue to prevent many Palestinians in need of medical treatment from reaching health services. This is especially the case for populations under curfew and the more than 60 percent of the population in the West Bank that lives in rural areas. They need access to the hospitals and other secondary and tertiary health care facilities in towns and cities, both in emergencies and for regular treatment, such as dialysis and chemotherapy. Many hospitals have reported a steep decline in access to services. For example, St Luke's Hospital in Nablus has seen a 49 percent decline in general practice patients, a 73 percent decline in specialty services and a 53 percent decline in surgeries. UNRWA has reported decreases in access to preventive services, including a 52 percent decrease in women attending post-natal care. According to the Ministry of Health (MoH), school health programmes have declined by 60 percent. Medical personnel have also been facing serious difficulties in reaching their workplaces, resulting in non-attendance rates of up to 40 percent in some areas.
34. The extensive delays and denials of access at checkpoints for ambulances and people in need of urgent medical care have been widely reported. The mission saw long lines of vehicles which included ambulances at many checkpoints it passed. According to the Union of Palestinian Medical Relief Committees (UPMRC), these delays and denials have resulted in the birth of an estimated 39 children at checkpoints. B'Tselem has documented numerous cases in which the IDF has prevented sick and wounded from crossing checkpoints, in several cases resulting in the death of those being held up. The Palestinian Red Crescent Society (PCRS) and UPMRC have reported more than 600 cases in which their ambulances have been denied access. Often ambulances are unable to reach remote areas due to waiting periods of up to several hours at each checkpoint. Patients are often forced to leave ambulances, subjected to intrusive searches and required to walk across checkpoints, including women in labour.
35. In order to mitigate the effects of closures, the MoH and other health care providers have tried to decentralize specialized services as much as possible, for example through mobile clinics or by increasing the number of available dialysis machines and relocating them to more remote areas. While some of these measures have helped increase access in certain areas of the West Bank and Gaza, they are extremely costly and not sustainable over the long term. The movement of mobile clinics has also been obstructed at checkpoints. A representative of a leading international medical NGO told the mission that their teams are turned back at checkpoints 50 percent of the time. When they are permitted to pass, medical staff are often forced to carry their equipment over checkpoints. Since March 2002, internal closures have brought the mobile clinics UNRWA had developed after September 2000 to a virtual standstill.
36. The import and distribution of medical supplies continues to be hampered, both upon entry into Israel or the Occupied Palestinian Territory and within the West Bank and Gaza. Certain raw materials required by pharmaceutical companies have been banned. Medical and other humanitarian supplies are subject to extensive delays at ports of entry in Israel, Jordan and Egypt. The head of UPMRC told the mission that two of the organization's ambulances had been held up at the border for more than seven months. Medical equipment from Sweden with a value of \$20,000 had to be sent back after its was denied entry. The Minister of Health of the Palestinian Authority stated that 30 new ambulances in Jordan and Egypt were awaiting clearance by Israeli authorities. Within the West Bank – and despite assurances given by the Coordinator for Government Activities in the Territories that essential services such as health would not be hindered - the MoH has been forced to enlist the support of UN agencies and international NGOs to transport medical supplies from central warehouses to more remote locations because Palestinian MoH workers have been denied access to these areas.
37. An example of the difficulties people in villages face was a man who approached the mission for help in Beit Furik. His two daughters, who were seriously ill, urgently required special milk products from Nablus and medicine from Tel Aviv. Because of the internal closures, their father was unable to travel the less than 10 kilometers to Nablus to buy the needed milk. He could also

no longer order the required medicine from Israel. The mission asked an international UN (WFP) staff member to buy the milk for him and return to Beit Furik the same afternoon. He was accompanied by the head of the local branch of the Palestinian Agricultural Relief Committees (PARC). After waiting for two hours at the checkpoint just outside Beit Furik on their way back from Nablus, the international UN staff was allowed to proceed while the Palestinian was denied access to his village where a curfew had been imposed in the meantime.

38. There is growing concern among health professionals that immunization stocks and vaccination campaigns are inadequate. Immunization campaigns can only be carried out intermittently. The access restrictions and the sharp increase in home deliveries have also affected Hepatitis B vaccinations and phenylketonuria (PKU) tests which screen for two diseases for which the timing of diagnosis and treatment is crucial to prevent mental retardation in children. The PKU screening tests should be performed within seven days of birth. Under the closure regime, infants often either can not be tested at all or the transfer of tests and results between patients, laboratories and clinics is disrupted. The Hepatitis B vaccinations should be given in three doses at birth, one month and six months.
39. Increasingly, lack of income has become one of the main reasons why families lose access to medical care. A study conducted by PCBS more than one year ago showed that one third of families did not obtain needed medical care for financial reasons. In a PCBS survey in July 2002, 76.5 percent of households that were not able to access health services cited lack of resources as a major cause. UNRWA has reported an 18.6 percent increase in the number of refugees using its free health care facilities in the West Bank, indicating that alternatives are not available or that the refugees can no longer afford private medical care.

Education

40. The internal closures have had extensive negative effects on education, mainly due to restrictions on the movement of teachers and students. UNICEF estimates that during the 2001/2002 school year more than 600,000 (61 percent) of the 986,000 children in the West Bank and Gaza were unable to attend school on a regular basis. Teaching time has also been reduced because of sharp declines in teacher attendance. UNRWA schools in Gaza have faced particular difficulties, as almost 1,000 of the Agency's education personnel live in the intermittently isolated southern regions of the Gaza Strip. During a visit to a "Children's Parliament" in Gaza City, the mission was told by the children that the delegates from southern parts of Gaza were able to attend for the first time since September 2000. UNRWA's education programme in the West Bank, which includes 95 schools, has also been severely affected during the 2001/2002 school year, with 72,571 teacher days being lost, compared to 5,585 in the previous school year. In April 2002, 76 percent of the teaching staff were absent and 66 percent of school days were lost. Several UNRWA schools sustained damage because they came under fire or were used as temporary detention centers.
41. While no unified examinations at the primary school level could be held at the end of the 2001/2002 school year, last year's examinations showed a marked deterioration in children's achievement levels, particularly in numeracy and literacy. The overall success rate decreased by more than 20 percent in both mathematics and Arabic language. Given the extensive disruptions during the 2001/2002 school year it can be assumed that these levels have deteriorated further. There is also increasing concern about the number of drop-outs in the coming school year. The impediments to access and the high adult unemployment rate may force more children to leave school to supplement family income. Before September 2000, the rate of ten to 14 year-olds employed in the West Bank was at 0.6 percent. Under current circumstances this rate is likely to multiply.

Food

42. Access to food has become more and more difficult as the ability of families to purchase food has been severely curtailed. While this is primarily caused by families' lack of money to buy food, shortages of certain types of food due to market disruptions have also been reported. According to a recent survey conducted by Johns Hopkins University and others and funded by USAID⁴⁷, more than half the Palestinian population reported having to decrease food consumption. The primary

⁴⁷ Preliminary Findings of the Nutritional Assessment and Sentinel Surveillance System for West Bank and Gaza, 5 August 2002.

reasons cited were lack of money (65 percent) and curfews (33 percent). Fifty-three percent of households said they had to borrow money to purchase food (88.8 percent in Bethlehem). About 17 percent of households were forced to sell assets to buy food, with rates highest in Gaza City and Khan Yunis. Thirty-two percent of all households reported buying less bread, potatoes and rice. Households are also buying less higher priced food items, such as meat, fish and chicken.

43. According to the same survey, extensive market disruptions have resulted in shortages of high protein foods such as fish, chicken and dairy products among wholesalers and retailers in the West Bank and Gaza. Fifty-two percent of wholesalers and 48.3 percent of retailers also reported a shortage of infant formula. In the West Bank, survey respondents said food shortages were caused by a combination of road closures, checkpoints, curfews and military incursions. Shortages in northern Gaza were primarily due to border closures that seal the Gaza Strip off from Israel and the West Bank while central and southern areas were more or less equally affected by border closures and internal closures.

Water and Sanitation

44. Water and sanitation services required for maintenance of daily needs and basic health have been affected by the closure regime in several ways. The most direct impact relates to water supply and solid waste disposal. Collecting and disposing of solid waste has been particularly difficult in areas where garbage trucks are unable to move around freely, including towns and cities under extended curfews and areas where several villages are serviced by a small number of trucks. The collection and disposal of solid waste has also been problematic in the Gaza Strip where the landfill for Gaza City, which is located south of the by-pass leading to Netzarim settlement, has been out of reach for extended periods. As a result of the restrictions on garbage trucks, solid waste is often disposed of in the open, inside populated areas.
45. Potentially catastrophic from a humanitarian perspective are the severe water shortages experienced in many rural areas throughout the West Bank.⁴⁸ Especially during the summer months when cisterns run dry, an estimated 300 localities depend largely on water delivered by private and municipal water tankers. Water tankers are subject to extensive restrictions on movement imposed by checkpoints and roadblocks throughout the West Bank. In some cases, water tankers are not permitted access to villages for several days. They also are often not permitted to refill in urban areas during curfews. Preliminary findings from an ongoing water and sanitation survey by the Palestinian Hydrology Group shows that 24 of 27 surveyed villages experienced difficulties related to water and sanitation as a result of curfews and closures. The survey also shows that water and sanitation related diseases have occurred in 12 of these 27 villages.
46. When the mission visited Beit Furik, a village less than 10 kilometers southeast of Nablus, it had not received any tanked water for nine consecutive days since tankers had not been allowed access to the village.⁴⁹ Before this period, only a fraction of the required water supply of 30-50 truckloads per day had been delivered. According to statements made by villagers, attempts to reach springs in areas surrounding the village have been stopped by IDF patrols and villagers have on occasion been forced to discard water they had collected. The lack of sufficient water supplies in the village has already resulted in the loss of thousands of chickens, sheep and agricultural production.
47. An additional cause for water shortages in certain rural areas is actions taken by Israeli settlers. According to the Palestinian Hydrology Group, Israeli settlers in one case cut off water pipes which served seven surrounding villages. Other cases in which settlers have interfered with the water supply for West Bank villages have been documented by B'Tselem.
48. As a result of increasing transportation costs and cut-offs, the average price for tanked water has risen considerably, by up to 80 percent in certain West Bank locations. The higher cost of water is making it more difficult for families to meet their basic domestic and vital needs. Urban areas also continue to experience water shortages. In some case, municipalities are unable to import spare parts for well pumps or pumps have to be shut off because of fuel shortages.

⁴⁸ Even under regular circumstances, the availability of renewable water resources in the Occupied Palestinian Territory (115 cubic metres per capita per year) is among the lowest in the world.

⁴⁹ This information was given to the mission by the mayor of the village and confirmed by international UN staff.

The Importance of the Upcoming Olive Harvest

49. During the mission's visit to the West Bank, a major concern raised by farmers, local officials and NGO representatives was the potential loss of the olive harvest which is due to begin in October. Olive harvests follow a two-year cycle and this year's olive harvest is expected to yield high levels of production. Under current circumstances, many farmers will not be able to harvest olives and produce and market olive oil.
50. The main constraint, as in most other areas of employment and production, is access. Farmers are unable to access their fields because of blocked roads, including dirt roads that have been dug up by the IDF, threats and violence from nearby settlers, and new requirements for permits that in some cases are needed to reach fields on the other side of by-pass roads. Once olives are harvested, they typically have to be transported to the nearest olive press in neighboring villages, ideally on the same day they are harvested to prevent a rise in the acidity level that will render them unsuitable for oil production. Once the olive oil is produced, farmers and merchants will need access to towns and villages to market and buy the oil.
51. Unless the closure regime in the West Bank changes significantly before October, the movements of people and goods required to harvest, produce and market olives will be curtailed so severely that most of the income farmers derive from olive oil production will be lost. One quarter of the Palestinian agricultural sector is dedicated to olive production. In addition, the number of people dependent on revenue from agricultural production has increased substantially since workers have lost their jobs in Israel and the settlements. Without the income from the sale of olive oil, a large portion of the rural population will be even less able to afford basic goods and services or to pay off their rising debts.

II. Humanitarian Situation

52. Before summarizing the main indicators of a mounting humanitarian crisis, it should be noted that the population in much of the West Bank and, to a lesser extent, in Gaza had reached a standard of living comparable to other middle-income countries, including a sophisticated health care system and a literacy rate of 98 percent. The Palestinian economy had also begun an economic recovery in 1998 that came to an abrupt halt in September 2000. Donor disbursements since 1993 had amounted to a total of \$4.4 billion, resulting in one of the highest levels of per capita official development assistance anywhere in the world (\$195 per person per year). The value of this enormous collective effort is in danger of evaporating if the situation does not improve in the near future.

Indicators of a Growing Humanitarian Crisis

Increase in Malnutrition

53. Preliminary results of the nutritional assessment conducted by Johns Hopkins University and others indicate a substantial increase in the number of malnourished children over the past two years, with 22.5 percent of children under five suffering from acute (9.3 percent) or chronic (13.2 percent) malnutrition.⁵⁰ According to PCBS surveys, the level of acute malnutrition in 2000 was 1.4 percent and the level of chronic malnutrition was 6.2 percent.
54. The preliminary rates are particularly high in Gaza with the survey showing 13.2 percent of children suffering from acute malnutrition, more than three times the rate in the West Bank (4.3 percent). The rate of chronic malnourishment in Gaza (17.5 percent) is five times higher than in the West Bank (3.5 percent). Non-urban areas show higher rates of acute malnutrition, suggesting that the traditional food-producing areas are facing significant food security problems. Chronic malnutrition, on the other hand, is more prevalent in urban areas.

Deteriorating Health

55. Given the difficulties faced by the population in accessing health services and medicines, a steady increase in mortality rates and spread of diseases should be expected. There is also rising concern

⁵⁰ Acute malnutrition, or wasting, reflects inadequate nutrition in the short-term period immediately preceding the survey. Chronic malnutrition, or stunting, indicates a state of longer-term undernutrition and can lead to serious growth and development delays.

about the spread of diseases such as diarrhea and insect born diseases as a result of water contamination, lack of garbage disposal and the reduced coverage of vaccination programmes, especially for children under the age of five. For example, some 600 cases of shigellosis (bloody diarrhea) have been registered in the Nablus Governorate since July 2002.

56. The Johns Hopkins University survey found that the rate of anemia in Palestinian children under five has reached 19.7 percent (20.9 percent in the West Bank and 18.9 percent in Gaza). Anemia is caused by a deficiency of iron, folic acid and dietary protein and can lead to impaired learning and growth development in children, low birthweight infants and premature deliveries, and decreased immunity from infectious diseases.
57. Lack of access to health services is also resulting in higher rates of infant and maternal mortality although exact overall figures have not been reported. According to UNRWA, the number of stillbirths in the West Bank increased by 31 percent between September 2000 and December 2001. According to UNFPA, unattended home deliveries have increased from three percent to 30 percent and the percentage of births attended by a trained professional has decreased from 97.4 percent to 67 percent.

Exhaustion of Coping Mechanisms

58. An analysis of the ways in which Palestinian households have been coping with prolonged closure and reduced income over the past 23 months shows that the humanitarian crisis is likely to deepen rapidly in the very near future. Long-term effects on the ability of the population to re-enter the development process are also becoming increasingly likely. Surveys conducted in Spring 2001 by Bir Zeit University and PCBS and the Johns Hopkins University survey in Summer 2002 show that most coping strategies adopted are unsustainable in the long run and have severe long-term repercussions on households' ability to sustain themselves. They either reach intrinsic limits or result in a reduction of the productive capacity of the household. In both surveys, approximately half the respondents said they had to borrow money to purchase food. Most borrowing is done informally, from family member and local shops and retailers. In Spring 2001, only five percent borrowed from banks or other financial institutions. About 17 percent of households had to sell assets to buy food (2002) and around 20 percent said they had to sell jewelry or other personal effects (2001).
59. Recent surveys of West Bank villages conducted by Oxfam and its partners, and the mission's interviews in both the West Bank and Gaza indicate that the networks of support that have enabled households to cope have started breaking down. More and more people have exhausted their savings. Retailers, including shopkeepers and water providers, are no longer able to give credit to poor families, depriving the population of essential supplies and in many cases the means to make a living. Increasingly poor friends and families can no longer afford to provide support to other vulnerable member of their communities whose debts have been rising. Lack of money has also reduced the ability of farmers to purchase basic supplies, including seeds and water.

III. Humanitarian Response and Coordination

Recent Expansion of Assistance Activities

60. Since September 2000, assistance activities have been expanding in both scope and scale to address the increasing vulnerability of a continuously growing portion of the population. An estimated 1.8 million Palestinians are now receiving food aid and other forms of emergency support from a variety of sources, including local charity institutions. This represents almost 55 percent of the total population of 3.3 million in the Occupied Palestinian Territory and, with regard to direct food aid, a more than five-fold increase over assistance levels two years ago. The main providers of assistance and basic services include:
 - the Palestinian Authority, particularly the Ministries of Health, Education and Social Affairs as well as the municipalities;
 - UNRWA, the second-largest provider of social services after the Palestinian Authority, focusing primarily on assistance to refugees;
 - other UN agencies, including WFP, UNDP, UNFPA and UNICEF;
 - the International Committee of the Red Cross (ICRC) and the Palestinian Red Crescent Society (PCRS);

- Palestinian NGOs, which for example account for a large portion of health services; and
 - international NGOs, which have progressively increased their presence since September 2000.
61. Donors have adjusted their programmes in view of the emergency situation and have increased their budget support to the Palestinian Authority, financed job creation and welfare programmes and increased their contributions to other emergency relief. More than 80 percent of disbursements in 2001 were devoted to budget support and emergency relief, compared to less than 10 percent during the previous year. At the same time, support for growth-oriented infrastructure and capacity building projects decreased significantly.
 62. Since the primary causes of the humanitarian crisis are loss of income and an inability to access essential services and supplies, the emergency response has focused on four main areas of intervention: food assistance, cash assistance, employment generation, and emergency measures to deliver essential services, especially in the health and education sectors.

Food Assistance

63. UNRWA has been providing humanitarian assistance (food and cash) to a total of 216,000 poor refugee families (990,000 persons), representing 67 percent of the refugee population and a more than nine-fold increase in UNRWA's hardship caseload compared to the year 2000. Likewise, the World Food Programme has increased its beneficiary caseload from about 150,000 before September 2000 to 500,000 people today. This means that almost 1.5 million people (or 45 percent of the total population) currently receive some form of direct food aid. WFP and ICRC, which also provides direct food assistance, target the non-refugee population while UNRWA programmes primarily support refugees.
64. WFP intends to deliver 70,340 metric tons by the end of 2002, 61,250 metric tons of which consist of wheat flour (49,000) and rice (12,250). UNRWA's emergency food deliveries also consist primarily of flour and rice. Since the Palestinian economy is highly dependent on cereals imported from Israel, WFP and UNRWA do not expect these commodities to have a disincentive effect on domestic food production.
65. ICRC provides food assistance to a total of 300,000 beneficiaries through direct food assistance from WFP stocks for 30,000 families in closed villages in the West Bank (and in ad hoc cases in the Gaza Strip) and a voucher programme that was launched on 13 August 2002. The voucher programme supports 120,000 people in the nine largest urban centers in the West Bank. Each family will receive vouchers of up to \$90 a month which they can exchange for food and basic non-food items in previously selected shops, providing a stimulus to local businesses. The approved list of items contains products which must be procured locally from rural communities (e.g. fresh food and olive oil).

Cash Assistance

66. Direct cash assistance still represents a small portion of overall assistance activities. The social assistance budget of the Ministry of Social Affairs (MOSA) for 2001 included \$47 million for cash assistance to 45,000 families. However, lack of funds has caused the MOSA to be several months in arrears on these payments. UNRWA requires almost \$20 million in 2002 to provide cash assistance to several thousand destitute families in Gaza and the West Bank (also see paragraph 63 above). NGOs have also been used by donors to channel cash assistance to poor families.
67. Another form of financial assistance has been provided through UNRWA's Microfinance and Micro-enterprise Programme which provides loans to small business owners and micro entrepreneurs. The programme has been severely affected since September 2000. In 2001, the value of its lending fell to 52 percent of the previous year. In addition, many of its clients have been unable to repay their loans.

Employment Generation Programmes

68. UNRWA's emergency employment generation programmes, which require about \$56 million in 2002, benefit workers who are hired directly by the Agency and indirectly through community-based projects and private-sector contracts. NGOs have also played an effective and growing role in employment generation, for example through the World Bank's Palestinian NGO Project and the Palestinian Agricultural Relief Committees (PARC) which has played a pioneering role in rural areas.

Delivery of Emergency Services

69. The two main service providers in the West Bank and Gaza, the Palestinian Authority and UNRWA, have tried to maintain previous levels of service delivery as much as possible. In order to reach areas cut off from essential services, they and other service providers had to adopt extraordinary measures, including a "decentralization" strategy pursued by the MoH that aimed at empowering local health officials, redeploying health equipment to smaller towns and rural areas and the creation of mobile clinics. UNRWA adopted similar strategies and for example hired large numbers of additional teaching staff in remote locations. These measures have not been able to compensate for the sharp drop in overall service provision which has resulted from access constraints and a decline in available resources. As a result, a significant increase in demand for health services has been accompanied by severe cutbacks in supply and availability, despite increased efforts by international agencies, NGOs and donors. Emergency supplies of water for villages that depend on local water tankers have generally not been available.

Access and Other Operational Constraints for Assistance Activities

70. Since September 2000, it has become increasingly difficult for both international and Palestinian aid organizations and service providers to provide assistance to the Palestinian population. At the same times as critical needs have multiplied, they have faced a widening range of access and other operational constraints that have made it more and more difficult to meet these needs. The constraints have resulted in a major increase in operating costs as additional international staff had to be deployed and other costs have escalated. They have also had a disproportionate impact on organizations that have to rely heavily on Palestinian staff, most notably the Ministries of the Palestinian Authority, UNRWA and Palestinian NGOs. Organizations with higher ratios of international staff are able to operate with relatively fewer difficulties but nevertheless face enormous obstacles.

Permits for Palestinian Staff

71. Constraints put in place since September 2000 affect Palestinian staff of the UN, other aid organizations and the Palestinian Authority most severely. They are subject to the same restrictions as other Palestinians, including requirements for permits to enter Israel or East Jerusalem from the West Bank and from Gaza and, in many cases, for permits to move around within the West Bank and Gaza itself. UNRWA, which employs a total of 11,000 Palestinians in the Occupied Palestinian Territory, requires 383 permits for staff from the West Bank to access its field office in Jerusalem. After years in which only a very small number of such permits were denied on security grounds, UNRWA experienced great difficulties in securing permits during most of 2002. In a positive development in mid-August, UNRWA received an additional 140 permits, allowing its local staff members from the West Bank to report to work in Jerusalem. Thus far the Agency has received a total of 247 permits of the 383 required to ensure the normal functioning of its West Bank operation. Permits have also been issued to several international NGOs, allowing some key Palestinian personnel to work in Jerusalem. However, permits are only valid for one month (compared to three months before September 2000) and permit-holders are not allowed to drive to Israel or East Jerusalem in their own vehicles. In addition, the travel time and cost for Palestinian staff has increased exponentially.
72. In Gaza, all of UNRWA's 36 permits for local staff to enter Israel (and the West Bank) were revoked after September 2000. UNRWA must now apply for one-day entry permits on an exceptional basis. No driving permits are available so the local staff must rely on international drivers. In addition, 765 field staff members and 26 percent of Gaza headquarter staff members have been affected by internal closures in Gaza and are unable to reach their normal duty stations for much of the time. These restrictions have eased somewhat since the opening of the coastal road and the Gush Qatif crossing.

General Restrictions on Movement of Personnel and Aid Supplies

73. Freedom of movement for UN and other aid vehicles and staff continues to be constrained by checkpoints and roadblocks at which vehicles face long delays and are sometimes refused entry. Access by humanitarian convoys and medical teams (including ambulances) to areas under curfew is frequently denied. In addition, UN and other aid personnel have been subject to abuse, physical harassment, arrest and violence at checkpoints and elsewhere in the West Bank. UN personnel, including international staff without diplomatic status, continue to be subject to a full search of vehicles

and baggage at the Erez crossing between Gaza and Israel. When the mission returned to Israel from Gaza, one of the mission's three vehicles was subjected to search and was held up at the Erez crossing. This incident occurred despite prior written clearance for all vehicles from Israeli authorities.

74. Trucks of aid organizations are only permitted to enter and circulate within the West Bank upon prior clearance with the IDF District Coordinator's Office (DCO) and only if driven by an international driver. UNRWA trucks can only circulate between UNRWA warehouses in Jerusalem and its programmes in the West Bank with international drivers and Jerusalem identification card holders. WFP had to mobilize a fleet of eight trucks with international drivers and support teams from the Swedish Rescue Service Agency. This short-term arrangement has been extended until October 2002 to help WFP transport its food supplies and also to assist other organizations which do not have access to international trucks with international drivers. In mid-August 2002, WFP for example made the truck fleet available to assist the MoH in transporting 26 tons of medical supplies from the MoH central warehouse in Ramallah to Tulkarm and Bethlehem.
75. Humanitarian and other cargoes for aid organizations and the Palestinian Authority continue to experience significant delays and, in some case, are denied entry to Israel or the Occupied Palestinian Territory. Delays are particularly severe at the port of Ashdod, where average transit time for containerized cargo is more than two weeks, and at Allenby Bridge, the main entry point from Jordan. In many cases, demurrage and storage charges that are incurred while cargoes are being inspected and cleared have exceeded the value of the goods being imported.
76. Another constraint affecting the operations of several UN agencies and international NGOs is that Israel has denied entry visas to staff or contractors of Arab origin or nationalities. International aid agencies urgently require Arabic speaking staff as they expand their presence. Even regular UN staff members have been subject to this restriction. In some cases, Arab nationals are given visas to enter Israel but are not permitted to enter the West Bank or Gaza.
77. The European Union has documented 19 cases since June 2001, of which 13 occurred since the end of March 2002, in which international consultants and experts who were contracted for relief and development projects have been denied entry to Israel at Ben Gurion Airport or Allenby Bridge. In the most recent case, three Italian humanitarian workers were refused access at Ben Gurion Airport on 5 August 2002 despite having cleared their travel with the Israeli embassy in Rome. The same workers had been denied access on 13 July 2002.

The Gap Between Israeli Policy and Implementation

78. One issue that was consistently mentioned by donors, UN agencies and other aid organizations was the existence of a wide gap between official Israeli policy and its implementation on the ground. The mission raised this concern with Israeli officials at the highest levels.
79. In principle, the Government of Israel has agreed on several occasions to facilitate assistance activities by all international assistance providers and to minimize negative effects of its security measures on the civilian population. This includes commitments and policies to allow free access for staff and supplies and to improve the situation at checkpoints, including the passage of Palestinians requiring medical treatment. As mention above, the Coordinator for Government Activities in the Territories has repeatedly given assurances that essential services such as health would not be hindered.
80. Despite these assurances and commitments, there has been little improvement on the ground over the past 23 months. On the contrary, as the conflict has intensified new constraints have been added and many existing restrictions have been tightened. The entry of international staff into Israel has proven to be extremely difficult, as evidenced by the multiple rejections of aid workers contracted by the EU. An even more serious concern is access problems to and within the West Bank and Gaza which have been described above. Even international staff are frequently turned away by IDF soldiers at checkpoints despite previous clearance with Israeli authorities.
81. A persistent problem since September 2000 has been the lack of cooperation from the IDF, particularly at the operational level and among soldiers and mid-level officers on the ground. It is well known and has been recognized by Israeli authorities that many soldiers stationed at checkpoints are relatively inexperienced and have little training in interacting with the civilian population or aid personnel. Recent government reports have recommended that urgent measures be taken to place more senior reservists at checkpoints to decrease levels of harassment and the

number of violent incidents. An additional concern raised by many UN agencies and donors is that their regular interlocutor, the Office of the Coordinator for Government Activities in the Territories, while technically part of the IDF, is unable to ensure the effective implementation by IDF operational personnel of most of the measures it agrees to.

Capacity of the Palestinian Authority as Service Provider

82. Throughout the current crisis, the Palestinian Authority, particularly its Ministries of Health, Education and Social Affairs as well as the municipalities, have tried to continue to deliver a minimum level of services, despite damage to their infrastructure and severe impediments to the movements of their staff and supplies. However, the Palestinian Authority has suffered from an acute fiscal crisis since September 2000. Its monthly requirements under an austerity budget amount to \$90 million per month, of which about \$55 million is needed for salaries. Despite generous contributions from EU members and members of the Arab League, and its own monthly revenues of about \$15 million, the Palestinian Authority currently faces monthly budget shortfalls of \$30-40 million and is barely able to pay for its salaries and utilities. This has already resulted in a marked decrease in the delivery of services, including cash assistance to destitute families.
83. A major reason for the budget crisis is that Israel, which currently collects about \$30 million in taxes (VAT, custom duties and purchase tax) every month on behalf of the Palestinian Authority, has been withholding the amounts it collects, arguing that the funds may be used for corruption and in support of terrorism if released. Israel recently agreed to release three tranches of \$15 million each. Since remittances by Israel were suspended in December 2000, the cumulative amount of funds held by Israel is estimated by the IMF to be more than \$600 million.
84. An additional consequence of a complete collapse of the Palestinian Authority would be the loss of employment for some 120,000 government employees. Although not its primary purpose, budget support to the Palestinian Authority has in effect been the largest emergency employment scheme. A significant reduction in the number or level of government salaries would significantly increase poverty and vulnerability levels, particularly in Gaza.
85. Recent news reports and discussions with UN agencies indicate an increasing breakdown of law and order in the Occupied Palestinian Territory. Most uniformed Palestinian police have stopped patrolling the streets. Since the IDF does not engage in regular law enforcement activities, this vacuum has already resulted in an increase in economic crimes. As we know from many other crises, a further breakdown of law and order will exacerbate the humanitarian condition of the most vulnerable and undermine the international community's ability to assist them.
86. A further weakening or complete collapse of the Palestinian Authority therefore would have a major impact on the humanitarian situation. Essential services in several critical areas, including health, education, water, electricity and law enforcement, could no longer be provided, leaving a wide gap that other assistance providers will be unable to fill. The loss of income for a large percentage of the population would further increase poverty, with the consequences described elsewhere in this report. And finally, the effect on the nation-building and peace process would have indirect and potentially far reaching consequences for the humanitarian situation that are difficult to predict.

Central Importance of UNRWA and Support by the Government of Israel

87. UNRWA, as the second largest service provider after the Palestinian Authority, has played a crucial role in the current crisis, responding to the emergency needs of hundreds of thousands of refugees and a significant number of non-refugees. Its mandate encompasses a total of 1.5 million refugees in the Occupied Palestinian Territory of which 42 percent live in refugee camps. Education and health services normally account for 70 percent of the Agency's budget and have resulted in high literacy, health and other human development indicators among the refugee population. Most of the refugees had become self-reliant before the current crisis, with only 7.4 percent of the refugee population in the Occupied Territory receiving food or other direct assistance from UNRWA.
88. The mission was encouraged to learn that the Government of Israel fully recognizes and supports the positive and important role of UNRWA. Both Prime Minister Sharon and Foreign Minister Perez stressed the importance of UNRWA and assured the mission of their full support for its activities. They specifically advised against creating new UN organizations or structures and encouraged the mission to find ways of strengthening existing ones.

Appropriate Forms of Assistance

89. Since the current situation is not a traditional humanitarian crisis, more extensive analysis and strategic planning is required to determine what types of assistance are appropriate. One of the most consistent messages the mission heard from almost all Palestinians it spoke with was that they would rather not receive charity. Many of them said they wanted jobs instead of handouts and dependency. Some expressed their concern that an increase in direct food assistance would rob people of their sense of dignity and hope. Other forms of assistance, particularly employment opportunities and education, were thought to have the opposite effect.
90. There were also some voices that pleaded for additional food assistance, for example a group of women in Rafah, one of the poorest areas in Gaza. The mission also heard that many children in Rafah save their summer camp lunch for family members in more urgent need of food. When asked why their families do not have enough food, the women responded that most of their husbands had lost their jobs and that they could no longer afford to buy the food that is available in the market.
91. As the recommendations included in part E. of this report suggest, one of the main challenges for future assistance activities will be to strike the right balance between various forms of assistance. On the one hand, there is a strong desire among most people who have been impoverished by the recent developments to be given opportunities to support themselves instead of receiving "hand-outs". On the other hand, there are urgent needs, including nutritional needs, among families whose support networks and coping mechanisms have been breaking down. Some of these needs could be met through coupons that would enable destitute families to purchase supplies available in the markets. In other cases, ways will have to be found to make supplies available that currently can not reach retailers and customers due to the closure regime.
92. Discussions among the World Bank, donors and UN agencies are ongoing about the appropriate balance between three main forms of intervention that will help address the dramatic drop in purchasing power: food assistance, cash assistance and employment generation programmes. A comprehensive review of employment programmes is currently under way and will be completed in September 2002. This review will assist in formulating an overall strategy that will take the factors mentioned above into account.
93. An additional and fairly unique feature of the current situation is that, in September 2000, the Occupied Palestinian Territory was in the midst of a major international development assistance effort. As a consequence, a strong development community and mechanisms, which were led by the World Bank and several large bilateral donors, were in place in September 2000. Even under current circumstances, the development actors and the Palestinian Authority are trying to continue their development efforts as much as possible while at the same time ensuring emergency assistance and sufficient budget support. Achieving the right balance between development assistance and emergency assistance has presented a major challenge to the donor community and international organizations active in the region. This challenge is closely linked to the question of what types of assistance are appropriate and most effective in the current circumstances.
94. Representatives of Palestinian and international NGOs as well as Palestinian Authority officials expressed concern that Palestinian structures, coping mechanisms and organizations that have grown over many years should not be replaced or weakened by an increase in international assistance. The strong Palestinian NGO and community network, local market and credit mechanisms, and local food production were emphasized as structures that should be protected and strengthened.

Coordination

95. Numerous coordination bodies have been established to bring together UN agencies, UNRWA, UNSCO, the World Bank, donors, and international and national NGOs as well as Israel and the Palestinian Authority. The focus of these entities, at least until recently, had remained on development activities that have stalled due to the intensified conflict. Considerable efforts have been made to re-orient existing capacities and create new arrangements to also address the emerging humanitarian crisis. However, progress has been uneven and has yet to achieve coherence.
96. The consensus view on the ground, in which the mission concurs, is that no new institutions should be established. Rather, coordination needs to be strengthened in order to ensure that:
 - humanitarian needs are expeditiously identified and met;
 - coordination mechanisms are inclusive of all humanitarian actors;

- existing information collection, collation and analysis capacities are strengthened;
 - no artificial divisions occur between humanitarian and development planning and activities; and
 - consistency of assistance to refugees and non-refugees based on need is ensured.
97. The volatile situation and the nature of the key players on the ground are unique and do not lend itself to traditional humanitarian coordination solutions. UNRWA is the major UN provider of humanitarian assistance to refugees. It has also expanded its humanitarian assistance to reach some non-refugees over the last year. Other agencies, especially WFP, have become more active in recent years. UNSCO has a coordination mandate, originally more political/donor relations in focus. International NGOs are increasing their presence while the Palestinian Authority and Palestinian NGOs remain major channels of assistance. The ICRC has begun a large-scale assistance programme in addition to its traditional protection activities. Donors and the World Bank play a pre-eminent role in coordination fora and consultations.
98. The mission consulted extensively with each of the above actors on coordination issues. While there was no broad agreement on the most suitable structure, there was a clear consensus that humanitarian coordination, especially for the current emergency phase, needs improvement. The mission's recommendations in this regard are included in part E.

IV. International Humanitarian Law and the Protection of Civilians

Obligations under International Humanitarian Law

99. The mission was asked to clarify the responsibilities of all parties with regard to humanitarian needs. These responsibilities are specified in international humanitarian law.

Applicability of the Fourth Geneva Convention

100. Israel's obligations in the Occupied Palestinian Territory are set out in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (the Fourth Geneva Convention), to which Israel is a High Contracting Party. Palestinian residents of the Occupied Territory are "protected persons" under the Convention and Israel, which currently exercises effective control over the Occupied Territory, is considered the Occupying Power. While the Government of Israel has not accepted the de jure applicability of the Fourth Geneva Convention to all territory occupied since 1967, it has stated that it has undertaken to comply with the "humanitarian provisions" of the Fourth Geneva Convention. All other High Contracting Parties, as well as the International Committee of the Red Cross, maintain that the Fourth Geneva Convention does apply de jure to the Occupied Palestinian Territory. Both the General Assembly and the Security Council have also stated on numerous occasions that the Fourth Geneva Convention is applicable in the Occupied Territory.

Obligations Regarding Relief

101. The Fourth Geneva Convention includes detailed provisions regarding the Occupying Power's obligation to ensure the well-being of the civilian population. Israel has the affirmative obligation to ensure, to the fullest extent of the means available to it, adequate supplies of food, medicines and other basic needs for the population under its occupation. Israel also has certain obligations to permit the free passage of relief consignments, including medical supplies, food and other items intended for certain vulnerable groups. However, the Fourth Geneva Convention makes clear that relief from other sources, including other States and humanitarian organizations, in no way relieves Israel of any of its affirmative obligations to ensure adequate supplies of food, medicines and other basic needs.
102. Both the ICRC and some donors have insisted that external assistance should not be seen to relieve Israel of its basic obligations as the Occupying Power. For example, the ICRC stated that "[n]either the fact that the ICRC conducts a relief operation in order to respond to urgent humanitarian needs, nor legitimate security concerns of the authorities relieve the Occupying Power from its duties to ensure a sufficient supply for the daily life of the whole population." Some donor representatives have indicated their countries' unwillingness to bear what they regard as the financial burden of Israeli occupation and the current closure regime. They were also concerned that the provision of humanitarian assistance may help ease the political pressure on Israel to reconsider its current policies.

Safety and Protection of Civilians

103. Several Palestinians the mission spoke with requested that the number of international staff in the West Bank and Gaza be increased to ensure better protection of the civilian population against

violations of international humanitarian and human rights law. They cited the presence of international volunteers as a factor that had often made a major contribution to their safety and protection.

104. The UN currently has very limited capacity to help ensure the safety and protection of civilians, with a permanent presence of international staff that is limited to Jerusalem, Gaza and Jenin. It should be recalled in this context that in the late 1980s, the Secretary-General decided to deploy additional international UNRWA staff with a specific protection mandate.⁵¹ Until the signing of the Oslo Accords, these additional staff members "helped to defuse tense situations, avert maltreatment of vulnerable groups, reduce interference with the movement of ambulances, and facilitate the provision of food and medical aid during curfews". They also assisted the Commissioner-General in reporting to the Secretary-General on protection concerns on a regular basis. The Secretary-General then reported to the Security Council in accordance with Security Council resolution 681 (1990). UNRWA recently deployed a small number of "Operation Support Officers"; who perform certain of these functions, in particular facilitating access for UNRWA's assistance. However, they do not appear to have a specific protection mandate and their activities are limited to UNRWA and therefore mainly concern refugees.

D. COMMITMENTS MADE BY ISRAEL

I. Immediate Results of the Mission

105. The Government of Israel made the following commitments to the mission:
1. Palestinian ambulances will wait no more than 30 minutes at any checkpoints.
 2. Effective mechanisms will be put in place to ensure that Palestinians seeking critical medical services (e.g. giving birth, dialysis, chemotherapy) can quickly pass all checkpoints.
 3. Problems related to water deliveries to Palestinian towns and villages will be addressed to ensure that daily water deliveries in proper quantities can be supplied by Palestinian water tankers.
 4. Israel will fully facilitate the assistance activities of international agencies, with particular reference to UNRWA.
 5. Israel agreed to review and strengthen the liaison arrangements between international agencies and the IDF to facilitate assistance activities.

II. Previous Commitments Made by Israel

106. On previous occasions, the Government of Israel has made the following commitments, which were reconfirmed to the mission:
1. Israel will improve the situation at checkpoints, including the deployment of more experienced IDF personnel.
 2. The fishing zone for Palestinian fishing boats off the Gaza coast is 12 nautical miles. This policy needs to be fully implemented.
107. Other areas in which Israeli authorities promised to take action were the need to enable olive farmers access to their fields, an increase in shipments at the Karni commercial crossing, an increase in the number of work permits for workers in Israel (including overnight workers), a review of port and border delays of humanitarian goods, entry and visa denials for humanitarian workers, and improvements in access for UN staff members.
108. Each of the commitments made by the Government of Israel to the mission and on previous occasions to the UN and others should be fully implemented in an effective and expeditious manner. In addition, any gaps between official Israeli policy and its implementation should be closed.

E. RECOMMENDATIONS

I. Measures that should be taken by the Government of Israel

Security

109. This report fully acknowledges the need of the Government of Israel to protect its civilian population from further attacks by Palestinian groups, while recognizing that every effort should be

⁵¹ See the Report submitted to the Security Council by the Secretary-General in accordance with Resolution 672, 31 October 1990 (S/21919).

made to minimize the adverse effects of all security measures on the well-being and survival of the Palestinian population.

Access by the Population to Basic Services and Needs

110. *Health*: In addition to the commitments made with regard to the transit of patients and ambulances through checkpoints, Israel should ensure: (i) full access by all people in need of medical services to areas in which they are provided; (ii) the free flow of all medical supplies, including medicines, vaccines and medical equipment, to and within the Occupied Palestinian Territory, including when they are imported or transported by the Palestinian Authority or Palestinian NGOs; and (iii) that all efforts are made to further reduce waiting time for ambulances to the absolute minimum required for security purposes, if possible even below the agreed 30-minute maximum.
111. *Education*: Israel should ensure that all children, students and teachers have full access to schools and universities throughout the West Bank and Gaza. In particular, it should take all measures to protect children from exposure to military conflict on their way to and from school.
112. *Water and Sanitation*: In addition to the commitments made with regard to the movement of water tankers, Israel should (i) ensure free access by rural communities to alternative water sources they are entitled to access and (ii) provide adequate protection to rural communities and water infrastructure.

Access by the Population to Employment and Income

113. Israel should ensure the movement of goods and people to allow trading, farming and other forms of economic activities inside the Occupied Palestinian Territory. In particular, the free movement of workers and Palestinian trucks should be made a priority, including a review of the "back-to-back" system within the West Bank.
114. Transshipment operations at the Karni commercial crossing and other crossings between Israel and Gaza should be streamlined and expanded to allow all commercial and humanitarian goods to enter and leave Gaza in the quantities and with the speed required.
115. Israel should gradually increase the number of permits for Palestinian workers to allow them to work in Israel and Israeli settlements.
116. Israel should take immediate measures to allow farmers to harvest olives and to produce and market olive oil. In particular, Israel should provide adequate protection to rural communities and enable farmers to have free access to their fields.

Access by Aid Organizations

117. In addition to the general commitment made to facilitate the activities of international assistance providers, Israel should: (i) accelerate the import procedures for aid supplies through all international entry points, including supplies intended for the Palestinian Authority and Palestinian NGOs; (ii) ensure full access by aid workers to the West Bank and Gaza, including international aid workers of Arab origin; (iii) ensure freedom of movement for all aid workers, including Palestinian UN and NGO staff, and for aid supplies to and within the West Bank and Gaza; (iv) improve access of aid workers and supplies to areas under curfew; and (v) ensure full respect of the privileges and immunities of all UN staff and assets.

Release of Funds to the Palestinian Authority

118. To avoid the consequences on the humanitarian situation described in this report, Israel should urgently accelerate the release of funds it holds on behalf of the Palestinian Authority.

II. Measures that should be taken by the Palestinian Authority

Integrity of Aid Activities and Supplies

119. The Palestinian Authority should ensure with all means at its disposal that its supplies and assets, including ambulances and other means of providing services, are not used for unlawful activities or contain any contraband. It should prosecute and effectively bring to justice any personnel and other individuals suspected of being involved in criminal activities.

Emergency Management Plan

120. The Palestinian Authority should develop, in full consultation with relevant parties, an emergency management plan that will ensure that all available resources are properly prioritized and used in an effective and transparent manner.

III. Assistance ActivitiesTechnical Assessment Mission

121. In view of the growing humanitarian crisis, a UN inter-agency technical assessment mission should be deployed as soon as possible, preferably during the second half of September or early October. The mission should be led by OCHA at a senior level and include participation from the main operational agencies active in the region. The mission should assess needs and required assistance for refugees and non-refugees on a sectoral basis, with particular emphasis on the water, health, education and food security sectors, and should propose specific measures required to address the rising rates of malnutrition and anemia (e.g., changes in the food basket, expansion of voucher programmes, school feeding and iron fortification). It should make recommendations with regard to humanitarian contingency planning, and identify gaps and additional resource requirements. OCHA must review this assessment carefully to ensure that any additional resource requirements that may be appealed for only include those measures critical to the current needs.
122. In close consultation with UNSCO, the World Bank, Palestinian and international NGOs, as well as the relevant Ministries of the Palestinian Authority, the technical assessment mission should also make specific proposals on how coordination mechanisms could be strengthened. The proposals should also include a suggested mechanism for high-level and operational coordination with the IDF, in addition to existing arrangements with the Coordinator for Government Activities in the Territories.

Support to Local Mechanisms

123. International assistance providers should generally aim to protect and strengthen existing Palestinian structures and coping mechanisms and limit direct reliance by the population on international assistance. To this end:
- Assistance activities should avoid disrupting market mechanisms and local production. To the extent possible, assistance supplies should be procured in the West Bank and Gaza, for example locally produced olive oil.
 - Direct food assistance should be limited to special hardship cases and other limited areas of intervention, e.g. school feeding. An expansion of employment generation, cash assistance and micro-credit programmes should be considered.
 - After an initial evaluation, an expansion of the ICRC or other voucher programmes to other areas in the West Bank and to Gaza should be considered.
 - Urgent measures that would provide direct financial assistance to families in rural areas should be evaluated to prevent further asset depletion and ensure access to basic supplies.
 - Palestinian NGOs should be effectively included in coordination mechanisms and their activities generally should be protected and supported.

Assistance to the Palestinian Authority and Palestinian NGOs

124. UN agencies and donors should continue to assist the Palestinian Authority and Palestinian NGOs in the import of essential supplies, including vaccines, ambulances and other medical supplies, and in the delivery of essential services. Donors should continue to provide budgetary support to the Palestinian Authority.

Temporary Increase in International Staff

125. Depending on full support of the donor community, additional international staff should be deployed on a temporary basis to the Occupied Palestinian Territory to facilitate access and enhance protection capacity. Special care should be taken not to displace any Palestinian staff from functions they can continue to perform. For the purposes of enhancing the protection of civilians, the deployment of international staff to locations in southern Gaza and in the West Bank (e.g. Ramallah, Nablus and Hebron) should be considered.

Monitoring of Commitments

126. UNSCO should put in place mechanisms that permit the comprehensive monitoring of, and appropriate follow-up regarding, compliance by Israel and the Palestinian Authority with commitments made to the UN with regard to the facilitation of assistance activities. Whenever possible, a joint approach should be taken towards any new restrictions on the delivery of assistance.

Coordination

127. There are currently a variety of groups, meetings and discussion fora among donors, UN agencies and NGOs. The mission did not evaluate these groups in detail, but would suggest that they may be part of a future review. To enhance the coordination of humanitarian assistance, particularly for the non-refugee population, the mission recommends that UNRWA, as the lead operational agency in the region, chairs a group at a senior level that is charged with action-oriented humanitarian coordination. OCHA should provide the secretariat for this group. Existing sectoral working groups and operations rooms, led by agencies and NGOs, should be strengthened and closely linked to this group.

Funding for UNRWA and Other Aid Organizations

128. UNRWA, which plays a crucial role in the current crisis and enjoys the full support of both the Government of Israel and the Palestinian Authority, is facing a severe funding shortfall of \$90 million (52 percent) under its 2002 Emergency Appeal. Donors should urgently increase their contributions to ensure that UNRWA can implement its assistance programmes.

129. Several other UN agencies and aid organizations, which have been expanding their programmes since September 2000, also remain severely underfunded and should be supported. Annex D provides an overview of the current funding status of the main UN agencies active in the region.

ANNEXES

A: MISSION ITINERARY - 12-19 AUGUST 2002

Monday, 12 August:

- Arrival in Tel Aviv
- Meeting with Foreign Minister Peres

Tuesday, 13 August:

- Briefing by UNSCO
- Briefing by UNRWA
- UN Inter-Agency Meeting
- Meeting with Deputy Coordinator for the Territories, Kamil Abu Rokon, and tour of Eretz Industrial Area and Karni Commercial Crossing
- Meeting with international NGO coordination body (AIDA)
- Meeting with ICRC, Head of Delegation
- Meeting with Head of USAID

Wednesday, 14 August:

- Visit of El Am'ari Camp and UNRWA school and clinic, Ramallah
 - Meeting with Chairman Arafat and Minister for Local Government Erekat, Ramallah
 - Meeting with Dr. Hanan Ashrawi, Member of the Palestinian Legislative Council
 - Meeting with Dr. Mustafa Barghouti, Head, Union of Palestinian Medical Relief Committee
- Meeting with Minister of Trade Al Masri
- Visit of UNRWA Women's Centre and Beitounia Industrial Zone
- Meeting with US Ambassador to Israel

Thursday, 15 August:

- Meeting with Minister of Social Affairs Al-Wazeer, and Minister of Health Zahnoun and Minister of Supplies Ali Shaheen, UNSCO HQ, Gaza
- Tour of Karni Terminal (Palestinian side)
- Visit of Jabaliya Health Centre and Women's Programme Centre
- Visit to special hardship case families in Jabaliya

Friday, 16 August:

- Visit to Children's Parliament at El Mutasem Elementary School in Gaza City
- Visit of Toufah area, Women's Programme Centre in Shabwa and meetings with families
- Tour of Rafah Camp, Block "O"
- Visit of UNRWA Re-housing Project
- Meeting with the Local Aid Coordination Committee, Jerusalem
- Meeting with European Commission and Deputy Head of Danish Representative Office (in their capacity as Presidency of the EU)

Saturday, 17 August:

- UNRWA Commissioner General, Mr. Peter Hansen, to join delegation.
- Visit to Beit Furik; meeting with Mayor Atef Abu Akram and village council; meetings with shop owners, families and farmers; briefing by Palestinian Agricultural Relief Committee (PARC); visit of WFP food for work and land reclamation program.
- Visit to Balata Refugee Camp, Nablus
- Meeting with Nablus Mayor Ghassan Shakaa
- Tour of Nablus Old City
- Lunch with business leaders and academics in Nablus
- Meeting with Palestinian workers group and women's emergency group; briefing on telephone counseling centre

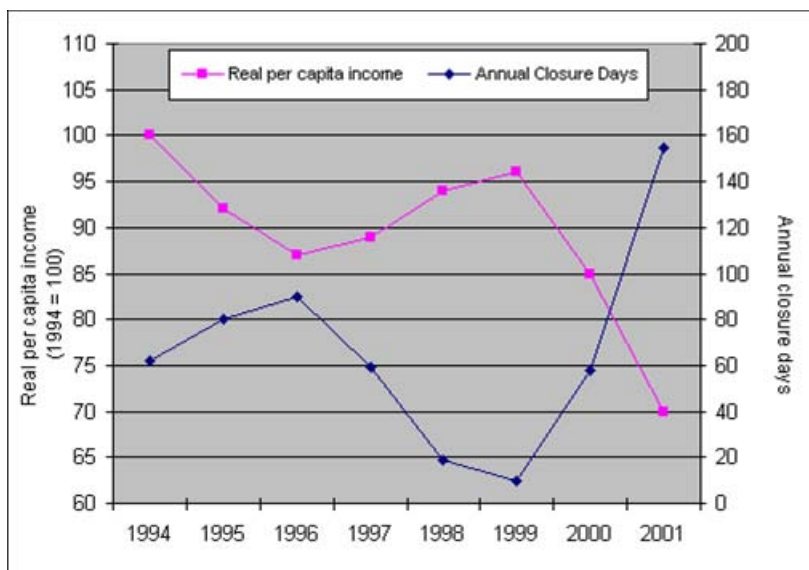
Sunday, 18 August:

- Meeting with Minister of Defence Ben Eliezer
- Meeting with Foreign Minister Peres
- Meeting with Prime Minister Sharon

Monday, 19 August:

- Visit to Bethlehem; meeting with shopkeepers, residents and church officials
- Departure from Tel Aviv

[...]

C: THE RELATIONSHIP BETWEEN ECONOMIC GROWTH AND CLOSURE

Source: World Bank and UNSCO

D: FUNDING OF UN AGENCIES' EMERGENCY APPEALS

UNRWA

2002 Emergency Appeal: UNRWA has received pledges of approximately \$82.5 million against a total requirement of \$172.9 million under its 2002 Emergency Appeal, leaving a funding shortfall of \$90 million or 52 percent. This deficit is being felt acutely in the Agency's emergency job creation, food assistance and direct relief responses. The emergency job creation programme is experiencing a shortfall of some \$40 million, or 72 percent of the requested amount. The shortfall in the emergency food assistance programme is approximately \$15 million, or 57 percent of the requested amount, and the shortfall in the emergency education programme is approximately \$3 million, or 41 percent of the requested amount. Of the pledged total of \$82.5 million, only \$46.9 million have been received.

Regular Programme: In addition to its 2002 Emergency Appeal, UNRWA's regular programmes for more than four million refugees in Lebanon, Syrian Arab Republic, Jordan as well as in the West Bank and Gaza face a deficit of \$24.9 million. UNRWA's budgeted requirements for 2002 are \$301.8 million while projected income for the year is \$276.9 million. So far, the Agency has received \$184.5 million against total pledges of \$271.3, leaving \$86.8 million in donor pledges unpaid. In addition, UNRWA's funding gap with respect to capital projects in 2002 is in excess of \$40 million.

Other Agencies

<i>Agency</i>	<i>Funding Requirements (US\$)</i>	<i>Received (US\$)</i>	<i>Shortfall (%)</i>
WFP	18,200,000	2,300,000	87
UNFPA	3,600,000	0	100
WHO	2,500,000	900,000	64
UNICEF	1,800,000	2,500,000	0

In some cases, the above emergency requirements are in addition to regular programmes the agencies conduct in the Occupied Palestinian Territory. Other agencies, including UNDP, require additional funding but have not issued separate emergency appeals.



**REPORT OF THE MEETING OF THE OIC SIX-MEMBER COMMITTEE
ON PALESTINE, UN HEADQUARTERS, NEW YORK, 12 SEPTEMBER 2002**

The OIC Six-Member Committee on Palestine held a meeting at the United Nations Headquarters in New York, on 5 Rajab 1423H (12 September 2002) under the chairmanship of His Excellency Dr. Abdelouahed Belkeziz, Secretary General of the OIC.

2. The meeting was attended by Their Excellencies the Foreign Ministers of the Committee Member States, namely:
 - Republic of Guinea;
 - Malaysia.
 - Islamic Republic of Pakistan;
 - State of Palestine;
 - Republic of Senegal;
3. In his inaugural address, the Secretary-General reiterated the OIC's unwavering position on the cause of Palestine and Al-Quds Al-Sharif. He called for concerted efforts to put an end to the illegal and inhuman Israeli measures being perpetrated against the Palestinian people, and to salvage the peace process by working for the implementation of all international resolutions, primarily Security Council resolutions 242 (1967) and 338 (1973), and General Assembly resolution 194 (1948) as well as all resolutions on Al-Quds Al-Sharif.

4. The Foreign Minister of the State of Palestine then delivered a statement which included a detailed review of the deteriorating conditions in Palestine as well as the continuing and escalating Israeli aggression, now in its second consecutive year. He elaborated on the Arab and Islamic efforts being exerted to stop the bloodshed in the occupied Palestinian territories and to resume negotiations in accordance with the resolutions of international legitimacy and the Arab Peace Initiative.
5. In their interventions, the Committee members reiterated their respective governments' positions supporting Palestinian rights, the steadfast Palestinian position on the issue, and the valiant Palestinian Intifada. Their Excellencies affirmed the need to launch an international campaign for the cause of Palestine; and to put an end to the continuing Israeli aggression against the Palestinian people. In this connection, they recommended the formation of a delegation, at the level of Heads of State, which would pursue the necessary contacts and actions. They proposed that the delegation be composed of His Majesty Mohammed VI, King of Morocco, Chairman of Al-Quds Committee; His Highness Sheikh Hmad bin Khalifa Al-Thani, Amir of the State of Qatar, Chairman of the Ninth Islamic Summit Conference; His Excellency Abdoulaye Wade, President of the Republic of Senegal, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, His Royal Highness Abdullah bin Abdul-Aziz Al-Saud, Crown Prince of the Kingdom of Saudi Arabia, initiator of the Arab Peace Initiative, and His Excellency Dato' Seri Mahathir Mohamad, Prime Minister of Malaysia, the host-Country of the next Islamic Summit Conference.
6. The Committee submitted the following recommendations to the Annual Coordination Meeting of the Foreign Ministers of the OIC Member States:
 - i - Reaffirming the provisions of all the resolutions adopted by the relevant Islamic conferences and Al-Quds Committee on the question of Palestine and Al-Quds as well as the Arab-Israeli conflict.
 - ii - Commending the resistance of the Palestinian people, under the leadership of the Palestine Liberation Organization, and their defense of Al-Quds Al-Sharif as well as all Islamic and Christian shrines so as to put an end to the Israeli occupation and concretize the freedom, sovereignty, and independence of the Palestinian people. The Committee also invited Member States to continue strengthening solidarity with the legitimate and just struggle of the Palestinian people. It invited Member States to continue backing the Palestinian National Authority (PNA) and the Palestinian people who are experiencing a dire financial and economic situation.
 - iii - Condemning the Israeli expansionist settlement policy, and affirming the necessity of working for a halt of all Israeli settlement acts, practices, and measures, which run counter to the resolutions of international legitimacy as well as the agreements concluded between the Palestinian and Israeli sides in this regard. The Commission called upon the Secretary-General of the United Nations to prevent such measures and to act for the dismantling of the Israeli settlements, in accordance with UN Security Council Resolution 465(1980), and to revive the International Committee for Supervision and Control to Prevent Settlements in Al-Quds and the Occupied Arab Territories, in accordance with UN Security Council resolution 446(1979).
 - iv - Requesting the international community to assume its responsibilities by compelling Israel to end its aggression, respect international conventions, norms, and resolutions and undertake the following actions:
 - (a) Pull out its forces immediately to the positions it was occupying before 28 September 2000 as a preliminary step towards the total Israeli withdrawal from all the occupied Palestinian and Arab territories, including Al-Quds Al-Sharif to the borders of the 4th of June 1967, in accordance with resolutions of international legitimacy particularly Security Council resolutions 242(1967) and 338(1973); lift the internal and external blockade, and end the cordons imposed upon all Palestinian cities, villages, and refugee camps.
 - (b) Lift the oppressive blockade imposed upon the Palestinian people and leadership, terminate all inhumane measures and practices, and cease the collective punishments imposed upon the Palestinian people, which are contrary to all international conventions and norms.
 - (c) Halt and roll back the scheme of building the Apartheid Wall aimed at plundering Palestinian land, thereby creating obstacles to the establishment of the Palestinian State, and exacerbating the situation on the ground. Consideration should also be given to the fact that setting up such a wall constitutes a flagrant violation of international covenants and conventions, and of the agreements signed with the Palestinian side.

- (d) Put an end to targeting civilians, perpetrating massacres and assassinations, destroying homes, and deporting the families of Palestinian activists.
- (e) Release the prisoners and detainees, and abstain from violating the freedoms and properties of the Palestinians.
- (f) Release the funds due to the Palestinian National Authority (PNA), which it has seized, and allow the entry of food and medical assistance to the Palestinian People.
- v - Exhorting the UN Security Council to shoulder its responsibilities by ensuring the necessary international protection for the Palestinian people, and urging the High Contracting Parties to the Fourth Geneva Convention to take the necessary measures to implement the provisions related to protecting civilians in times of war in the occupied Palestinian territories, including Al-Quds Al-Sharif.
- vi - Reaffirming the necessity of implementing, Security Council resolution 237(1967) on the return of displaced Palestinians, as well as UN General Assembly resolution 194(1948) relating to the return of Palestinian refugees to their homes and properties, considering that these two resolutions constitute two fundamental requirements of a comprehensive and just settlement.
- vii - Reaffirming that all occupation and colonialist settlement measures and practices in Al-Quds and the rest of the occupied Palestinian territories are null and void, in consonance with the decisions of international legitimacy as well as international covenants and conventions, which consider all the Israeli legislative, administrative, and settlement schemes and measures designed to alter the legal, demographic, architectural, cultural, and civilizational status of the Holy City as null and void, running counter to the resolutions of international legitimacy, and international covenants and conventions as well as the agreements signed by both the Palestinian and Israeli sides. The Commission calls upon the UN Security Council to revive the Committee for supervision and control to prevent settlements in Al-Quds and the occupied Arab Territories, in accordance with Security Council resolution 446(1979).
- viii - Inviting all countries of the world to recognize the State of Palestine with Al-Quds Al-Sharif as its capital, as soon as it is proclaimed on Palestinian soil and provide all forms of support to this State to concretize its sovereignty over Palestinian land within the 4th of June 1967 borders, in conformity with the resolutions of international legitimacy. Appealing to all countries, as well, to support the State of Palestine's candidature for full-fledged membership of the United Nations. The Committee stressed its support to the elected and legitimate Palestinian leadership. It also reaffirms that the Palestinian people are the only party having the right to elect their leadership.
- ix - Highlighting its backing of the Middle East peace process on the basis of the foundations that were laid down for it at the Madrid Peace Conference, in accordance with the United Nations Charter and resolutions, especially Security Council resolutions 242 (1967), 338 (1973) and 425 (1978), and the "land-for-peace" principle. It reaffirmed its support of the Arab Peace Initiative to solve the question of Palestine and the Arab Israeli Conflict.
- x - Urging for more effective participation of the United Nations in promoting the peace process in the Middle East, and stressing the necessity for the United Nations to pursue its enduring responsibility towards the question of Palestine until a comprehensive and just settlement has been reached.
- xi - Affirming the continued responsibility of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in fulfilling its mission and discharging its duties towards Palestinian nationals wherever they may be residing, by virtue of the relevant General Assembly resolution.
- xii - Exhorting the international community and the Security Council to compel Israel to comply with United Nations resolutions, especially Security Council resolution 487 of 1981; to join the Non-Treaty on the Proliferation of Nuclear Weapons (NPT) and implement the resolutions of the UN General Assembly and the International Atomic Energy Agency (IAEA) according to which all Israeli nuclear installations must be subjected to the Agency's system of comprehensive guarantees; and request that Israel to publicly renounce nuclear armaments, and submit a complete statement on its capabilities and reserves in terms of nuclear arms and substances to both the Security Council and the IAEA, as a pre-requisite to the creation of an area free of ones in the Middle East of mass destruction, foremost among which are the nuclear weapons, and the establishment of a comprehensive and just peace in the region.
- xiii - Mandating the Secretary-General of the OIC to take all necessary measures to enhance communications and coordination on the question of Palestine and the Arab-Israeli conflict between

the OIC, on the one hand, and the League of Arab States, the African Union (AU), the Non-Aligned Movement (NAM), the European Union (EU), the United Nations, and its specialized agencies, on the other, and to express appreciation for the positions taken by those organizations in solidarity with and support for the just struggle of the Palestinian people.



JOINT STATEMENT BY THE QUARTET, NEW YORK, 17 SEPTEMBER 2002

[Representatives of the UN, Russia, the EU, and the US released this statement outlining their three-phase plan to reach a final peaceful settlement between Israel and the Palestinians.]

United Nations Secretary-General Kofi Annan, U.S. Secretary of State Colin Powell, Russian Foreign Minister Igor Ivanov, Danish Foreign Minister Per Stig Moeller, High Representative for European Common Foreign and Security Policy Javier Solana, and European Commissioner for External Affairs Chris Patten met today in New York.

Reaffirming their previous statements, the Quartet members reviewed developments since their last meeting, on July 16, 2002. They deplored and condemned the morally repugnant violence and terror, which must end. They agreed to intensify their efforts in support of their shared goal of achieving a final Israeli-Palestinian settlement based on their common vision, as *inter alia* expressed by President Bush, of two states, Israel and an independent, viable and democratic Palestine, living side by side in peace and security.

The Quartet will continue to encourage all parties to step up to their responsibilities to seek a just and comprehensive settlement to the conflict based on UN Security Council resolutions 242, 338, and 1397, the Madrid terms of reference, the principle of land for peace, and implementation of all existing agreements between the parties. The Quartet reaffirms the continuing importance of the initiative of Saudi Arabia, endorsed at the Arab League Beirut Summit, which is a vital plan of the foundation of international efforts to promote a comprehensive peace on all tracks, including the Syrian-Israeli and Lebanese-Israeli tracks.

The Quartet is working closely with the parties and consulting key regional actors on a concrete, three-phase implementation roadmap that could achieve a final settlement within three years. Comprehensive security performance is essential. The plan will not succeed unless it addresses political, economic, humanitarian, and institutional dimensions and should spell out reciprocal steps to be taken by the parties in each of its phases. In this approach, progress between the three phases would be strictly based on the parties' compliance with specific performance benchmarks to be monitored and assessed by the Quartet.

The Quartet also supports, in preparation for establishment of a Palestinian state, efforts by the Palestinians to develop a constitution which ensures separation of power, transparency, accountability, and the vibrant political system which Palestinians deserve.

The plan will contain in its initial phase (2002-first half of 2003) performance-based criteria for comprehensive security reform, Israeli withdrawals to their positions of September 28, 2000 as the security situation improves, and support for the Palestinians' holding of free, fair, and credible elections early in 2003, based on recommendations established by the Quartet's International Task Force on Palestinian Reform. The first phase should include a ministerial-level meeting of the Ad Hoc Liaison Committee (AHLIC) to review the humanitarian situation and prospects for economic development in the West Bank and Gaza and identify priority areas for donor assistance, including to the reform process, before the end of the year. The Quartet Principals will meet alongside the AHLIC ministerial.

In the plan's second phase (2003), our efforts should focus on the option of creating a Palestinian state with provisional borders based upon a new constitution, as a way station to a permanent status settlement.

In its final phase (2004-5), the plan envisages Israeli-Palestinian negotiations aimed at a permanent status solution in 2005. Consistent with the vision expressed by President Bush, this means that the Israeli occupation that began in 1967 will be ended through a settlement negotiated between the parties and based on U.N. resolutions 242 and 338, with Israeli withdrawal to secure and recognized borders.

The Quartet welcomes the Task Force's report on the progress of the seven Reform Support Groups, and notes that a number of significant achievements, especially in the area of financial reform, have been realized in a short period of time under very difficult circumstances. Under the aegis of the Quartet, the Task Force will continue its work of supporting the Palestinians and the Palestinian Authority as they establish and prioritize reform benchmarks, particularly on the issues of elections, judicial reform, and the role of civil society.

Both the reform effort and the political process must include Israeli measures, consistent with Israel's legitimate security concerns, to improve the lives of Palestinians, including allowing the resumption of normal economic activity, facilitating the movement of goods, people, and essential services and to lift curfew and closures. Consistent with transparent and accountable Palestinian budget arrangements, the Quartet welcomes Israel's decision to transfer part of the Palestinian VAT and customs revenue that has been withheld since September 2000, and calls on Israel to continue this process and reestablish regular monthly revenue transfers to the Palestinian Ministry of Finance. And consistent with the recommendations of the Mitchell Commission, Israeli settlement activity in the occupied territories must stop.

The Quartet welcomes the report of UN Secretary-General's Personal Humanitarian Envoy Catherine Bertini as well as the latest UNSCO report on the impact of closures. It calls on Israel and the Palestinians to recognize and act upon their respective responsibilities and to move quickly to ameliorate the sharply deteriorating humanitarian situation in the West Bank and Gaza. In particular, Israel must ensure full, safe and unfettered access for international and humanitarian personnel.

Reiterating the critical importance of restoring lasting calm through comprehensive performance on security, the Quartet calls on the Palestinians to work with the U.S. and regional partners to reform the Palestinian security services, strengthen policing and law and order for the civilian population, and tight the terror that has severely undermined the legitimate aspirations of the Palestinians. Israelis and Palestinians should reestablish security cooperation and reciprocal steps should be taken by Israel as the Palestinians work to combat terrorism in all its forms.

The Quartet will continue to discuss the timing and modalities of an international conference.

The Quartet also met and discussed these issues with the Foreign Ministers of Egypt, Jordan, Lebanon, Saudi Arabia, and Syria, as representatives of the Arab League Follow-up Committee, and with representatives of Israel and the Palestinian Authority. The Quartet looks forward to continuing consultations.



**DECLARATION OF THE MEETING OF MINISTERS OF FOREIGN AFFAIRS
OF THE NON-ALIGNED MOVEMENT, UN GENERAL ASSEMBLY,
NEW YORK, 18 SEPTEMBER 2002 [EXCERPTS]**

1. We, the Ministers for Foreign Affairs and Heads of Delegation of the Non-Aligned Movement met in New York on 18 September 2002 in the context of the General Debate of the 57th Session of the General Assembly of the United Nations. We exchanged views on the items of the Agenda of the General Assembly that are of significant importance to the Movement as well as other developments in the international environment that constitute important challenges to the Movement. [...]
9. We reiterate the Movement's long-standing and principled support for the establishment of an independent State of Palestine with East Jerusalem as its capital. We remain gravely concerned about the situation in the Middle East and condemn the willful killing, vast destruction and other atrocities carried out by the Israeli occupying forces against the Palestinian people, especially since the

start of the Israeli military assault on Palestinian cities on 29 March 2002. We reaffirm our determination to actively strive towards the achievement of a just and comprehensive peace in the Middle East on the basis of Security Council Resolutions 242 (1967) and 338 (1973), 1397 (2002) and the principle of land for peace. In this context, we support the peace initiative adopted by the Arab Summit in Beirut in March 2002 and stress the need for the Israeli withdrawal from the Palestinian territory, including Jerusalem, and from the Syrian occupied Golan to the line of 4 June 1967. We further call for an end to the continuing Israeli violation of Lebanese sovereignty and territorial integrity and for the release of all Lebanese detained in Israeli prisons.

10. In this regard, we call on the Security Council to enforce UNSC resolution 1402, in line with UNSC resolution 1403, which calls for the withdrawal of Israeli troops from Palestinian cities. We stress the need for the parties to immediately implement General Assembly resolution ES-10/11 of 5 August 2002, which demands the immediate cessation of military incursions and all acts of violence, deportations, terror, provocation, incitement and destruction. The resolution also demands the immediate withdrawal of Israel occupying forces to the positions held prior to September 2000. [...]



**STATEMENT BY SAUDI FOREIGN MINISTER PRINCE SAUD AL-FAISAL
(READ BY AMBASSADOR TO THE UN FAWZI SHOBOKSHI), 57TH SESSION OF
THE UN GENERAL ASSEMBLY, NEW YORK, 19 SEPTEMBER 2002 [EXCERPTS]**

*In the name of Allah, most compassionate, most merciful;
blessing and peace be upon the most noble of prophets.*

[...]

Mr. President:

Thirty-five long years have passed since the Palestinian people came under Israeli occupation. The cycle of violence in the occupied Palestinian territories will never diminish unless the legitimate rights of the Palestinians are achieved. These rights have been approved by the entire international community under well-known international agreements signed by consecutive Israeli Governments with the Palestinian side.

The obligations contained in these agreements have been totally ignored by the Israelis, whether they concern the continuation of the occupation, or the treatment of the Palestinian people and their legitimate leadership.

The policy of siege, starvation, and military incursions, as well as the destruction of property and the desecration of Holy Places, is in total contravention, not only of signed agreements, but also of international law and humanitarian norms.

Further, the government of Ariel Sharon is marginalizing the Palestinian Authority established under the Oslo Accords, isolating the Palestinian territories and destroying the infrastructure. In addition, Sharon has lately undertaken a policy of not only imprisoning, but also assassinating members of the Palestinian leadership.

Mr. President:

The situation in the occupied Palestinian territories is now at a point that will undoubtedly lead to a human catastrophe as a result of the economic siege, the unchecked spread of disease and epidemics, and the near collapse of public health and security forces.

The most important fact to be remembered by all, and the Israeli people in particular, is that the goal of security promised by the current government will never materialize. This is directly due to the policies and practices of that government, which chose to ignore dialogue and negotiations and opted for oppression and violence as a means of solving the Palestinian problem.

The statement of President Bush before this Assembly concerning the difficulty of attaining peace for the Palestinians and Israelis without providing the necessary freedom for both is in conformity with the

current situation in the Occupied Territories, which continue to face a cycle of violence and suffering because one side, namely the Palestinians, has been denied its right to liberty and independence.

Therefore, the starting point out of this dilemma is for Israel to realize the importance of the existence of a Palestinian State built on a legitimate constitution that is capable of conducting negotiations, and solving intractable problems that cannot be ignored or bypassed if we truly intend to put an end to the current situation.

It is our view that an independent Palestinian State, based on a constitution binding on all Palestinians, and specifying the basis governing their relations with Israel, will ultimately constitute a guarantee, not only to the Palestinians, but to the Israelis themselves, because the Israeli side will have the assurances of dealing with a legitimate state, and a national authority, capable of carrying out meaningful negotiations with a neighboring state. To achieve this goal, it is necessary for the international community to move in the direction of halting the humanitarian catastrophe faced by the Palestinian people.

There is also a dire need to halt the violence raging in the area. This clearly means that the international community must hold the Israeli government to the same level of security obligations that is required of the Palestinian Authority.

To confine security obligations to the Palestinian side alone is neither practical nor a means to solving the problem. It is incumbent on all of us to work together to alleviate the suffering of the Palestinians and then proceed to take the necessary steps to put the Palestinian problems on the road to the desired settlement.

As far as the comprehensive settlement of the Arab-Israeli conflict is concerned, we see in the Arab peace initiative adopted at the Beirut Summit a historic move that accommodates all the requirements for a just and permanent peace in the Middle East.

This initiative enjoys unanimous Arab support and for the first time, represents a concrete proposal based on resolutions of international legitimacy, which can lead to the signing of a peace treaty, through which a total Israeli withdrawal will be achieved in return for normal relations between the Arabs and Israel. [...]



UN SECRETARY-GENERAL KOFI ANAN, STATEMENT TO THE UN SECURITY COUNCIL ON THE SITUATION IN THE MIDDLE EAST, 23 SEPTEMBER 2002

Mr. President,

Less than a week ago, the Quartet met in this building and agreed on the need for a road map to achieve a permanent settlement of the Israeli-Palestinian conflict.

We agreed that it was essential and urgent for the Palestinians to take all possible steps to improve security, by bringing an immediate end to violence and terror. But we also agreed that it had to be done within the context of an overall plan, which must address the political, economic, humanitarian and institutional dimensions of the problem.

We agreed that the plan must spell out reciprocal steps to be taken by the parties in each of three phases, with a Quartet mechanism to monitor and assess each party's progress against specific benchmarks, culminating in the negotiation of a final and comprehensive settlement by 2005. We agreed, in short, on the need for a process driven both by performance and by hope.

That linkage is essential, and I cannot emphasize it too strongly. Yes, we need performance. But there must be hope, too. For without hope there will be no performance.

So far from seeing the first steps towards implementing the Quartet's vision, the events of the past few days represent a tragic step in the opposite direction.

Until last week, there had been six weeks of relative calm in Israel itself, but during the same period in the occupied territory at least 54 Palestinians were killed in Israeli military operations.

Then, in the space of three days – 17-19 September – we saw a bomb explode in a Palestinian school, and two new suicide attacks perpetrated against Israeli civilians inside Israel.

I have said over and over again that such acts are "morally repugnant" – and I say it again today. Each time those words have to be repeated, they become even more grimly apt.

These acts are to be condemned, both for the utterly unjustifiable loss of life, the pain and misery that they cause to innocent people, and because they set back even further the prospect for a just and lasting settlement. They strike directly at that very hope which – as the Quartet agreed – is an essential driver of political progress.

Once again I urge all Palestinians, especially the leaders of all political factions, to renounce this wicked instrument of terror – clearly and irrevocably, now and forever.

Last week, the Quartet recognised Israel's legitimate security concerns, and repeated its demand that terrorist attacks be stopped once and for all. It also repeated its call on the Palestinian Authority to work with the United States and regional partners to reform security services and combat terrorism.

But how can the Palestinians respond to that call, if what is left of the civil and security infrastructure of the Palestinian Authority – which already gravely weakened – is now in the process of being destroyed? Surely, such destruction will only set back even further the prospects for implementing necessary reforms and ensuring real improvements in the Authority's security performance?

Similarly, the continuing destruction of ministries' and municipalities' capacity to provide basic services – such as water, electricity, and education – will hamper and even undermine efforts to meet humanitarian needs, whether by Palestinian or by international organisations.

Further misery is hardly a basis for progress, whether political, security or economic.

The Quartet and our Arab partners in the region are working intensively with the Palestinian Authority to see that security and institutional reforms are implemented. But we can succeed only if the Government of Israel actively supports the process, rather than hindering it.

The systematic and literal grinding down of the Authority's Headquarters in Ramallah, in which a further ten Palestinians have been killed, is also likely to cause greater political instability in the West Bank and Gaza.

Despite the re-imposition of curfews in most West Bank Towns, it has already prompted mass demonstrations in a number of Palestinian cities, including Ramallah, and efforts to address key reform issues have been postponed as a result.

This too will set back the prospects for resuming the peace process. Once again, I appeal to Israel to take greater care to protect the lives of Palestinian civilians, and to refrain from policies and actions that are in violation of the Fourth Geneva Convention.

My Special Envoy is in constant contact with both parties, and has repeatedly spoken to Chairman Arafat and other senior Palestinian officials in Ramallah. He met this morning with Foreign Minister Peres, and is now in Ramallah with the Secretary-General of the Palestine Liberation Organisation, Abu Mazen. He is working in close coordination with the other members of the Quartet and key actors in the region.

Mr. President,

The Israeli-Palestinian conflict is not going to be resolved by military might alone, or by violent means of any kind. A policy based on forcing the other side to capitulate is a bankrupt policy. It is not working, and it will never work. It only encourages desperation. It weakens moderates, and strengthens extremists.

In the end there will have to be a political settlement, negotiated between the two peoples on an equal basis; a settlement in which – as this Council has said – two states, Israel and Palestine, living side by side within secure and recognised borders.

Why not reach that ends sooner rather than later? How many hundreds or thousands more have to die, how much more pain and misery must be endured, before leaders on both sides find the vision and the courage to accept the inevitable?

Mr. President,

Only a settlement on that basis can bring real peace and security to both peoples, and only a comprehensive approach can bring a settlement on that basis nearer.

The so-called "sequential" approach, which insists on full security as a precondition for progress on the political, humanitarian and institutional fronts, has clearly failed.

Israel needs to understand that there will be no lasting security without a political settlement – and therefore, even while defending itself against terrorist attacks, Israel should cooperate actively with the Quartet's efforts to reach such a settlement within the next three years.

The Palestinians, on their side, need to understand that there will be no settlement without lasting security for Israel.

Both sides must be urged – by all that have any influence over them – to accept and act on those understandings, so that at last there can be peace and security for both peoples, as part of a just, lasting and comprehensive settlement in the Middle East.

But I fear this vision will remain a distant mirage, so long as our television screens – and the minds of all those involved – are filled with ugly scenes of death and destruction, whether in the streets of Tel Aviv or at the mukataa in Ramallah.

Mr. President,

More than eighty years ago the great Irish poet William Butler Yeats wrote of a time in his country when

"Things fall apart; the centre cannot hold;
Mere anarchy is loosed upon the world
"The best lack all conviction, while the worst
Are full of passionate intensity."

Alas, those words have been true of many times and many places since, and they seem all too true of the situation between Israelis and Palestinians today.

But let us not resign ourselves to that state of affairs. Let us help the best on both sides, Palestinian and Israeli, to regain their passion for peace, and the conviction that brought them so close to agreement two years ago.

Let us resist the downward spiral into anarchy. Let us rebuild a centre that can hold. Thank you very much.



**JEANETTE NDHLOVU OF SOUTH AFRICA ON BEHALF OF THE NON-ALIGNED
MOVEMENT, STATEMENT TO THE UN SECURITY COUNCIL ON THE
SITUATION IN THE MIDDLE EAST, 23 SEPTEMBER 2002**

Mr President,

During the Fifty-seventh Session of the General Assembly speaker after speaker stressed the need for full and unconditional compliance with Security Council resolutions. The Foreign Ministers of the 115 Member States of the Non-Aligned Movement also called on all States to abide by Security Council resolutions. They pointed out that if the Security Council's resolutions are not enforced the very legitimacy and credibility of the United Nations is threatened. Furthermore, they called for conflict situations to be addressed multilaterally, through the United Nations.

Mr President,

We are meeting here today in response to the Israeli military onslaught on the Head Quarters of the Palestinian Authority in Ramallah. This is the same Israeli military force, which the Security Council ordered to withdraw six months ago. Israel has yet to comply with Security Council resolutions that call for the withdrawal of its forces from Palestinian towns and cities.

The life of President Arafat, the elected leader of the Palestinian people, is under threat. Once again President Arafat's condemnation of attacks against Israel, which he regards as both morally unacceptable and counter-productive to the Palestinian cause, has fallen on deaf Israeli government ears. It seems that there is a blind impulse towards violence and vengeance that prevails over the logic of dialogue and peace. More innocent civilians continue to die.

We unreservedly condemn the killing of civilians whether they are Israelis or Palestinians.

Mr President,

The sense of despair, frustration and hopelessness in the Middle East is brought about by occupation and by the fact that no land has been returned in exchange for peace as required by Security Council resolutions.

For far too long, Israel has ignored the decisions of both the Security Council and the General Assembly. Israel continues to illegally occupy Palestinian land, settlements continue to expand at an alarming rate and extra judicial executions, arbitrary arrests and the destruction of private Palestinian homes, farms and institutions continue unabated. Israel routinely violates even the most basic provisions of international humanitarian law and the Fourth Geneva Convention and has yet to withdraw its forces as required by Security Council resolutions 1402 and 1403/2002) and General Assembly resolution ES-10/11. Israel also continues to illegally occupy Syrian and Lebanese territory and to violate the sovereignty and territorial integrity of Lebanon.

Mr President

The draft resolution before this Council seeks to address the fundamental requirements for the resumption of a meaningful political process that would lead to a comprehensive solution to the Middle East crisis. It is in line with the Arab peace plan and the recommendations of the Quartet. For any lasting peace in the Middle East to take hold the Israeli military must withdraw immediately to the positions held prior to September 2000 and all acts of violence, including military acts; destruction and terror must cease immediately.

We call on the Security Council to immediately adopt this resolution. As the NAM Ministers made clear, the Security Council must ensure the implementation of all its resolutions otherwise its credibility will be undermined. Thank you.



UN SECURITY COUNCIL, RESOLUTION 1435, 24 SEPTEMBER 2002

The Security Council,

Reaffirming its resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002, 1402 (2002) of 30 March 2002 and 1403 (2002) of 4 April 2002, as well as the statements of its President, of 10 April 2002 and 18 July 2002,

Reiterating its grave concern at the tragic and violent events that have taken place since September 2000 and the continuous deterioration of the situation,

Condemning all terrorist attacks against any civilians, including the terrorist bombings in Israel on 18 and 19 September 2002 and in a Palestinian school in Hebron on 17 September 2002,

Gravely concerned at the reoccupation of the headquarters of the President of the Palestinian Authority in the City of Ramallah that took place on 19 September 2002 and demanding its immediate end,

Alarmed at the reoccupation of Palestinian cities as well as the severe restrictions imposed on the freedom of movement of persons and goods, and gravely concerned at the humanitarian crisis being faced by the Palestinian people,

Reiterating the need for respect in all circumstances of international humanitarian law, including the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

1. Reiterates its demand for the complete cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction;
2. Demands that Israel immediately cease measures in and around Ramallah including the destruction of Palestinian civilian and security infrastructure;
3. Demands also the expeditious withdrawal of the Israeli occupying forces from Palestinian cities towards the return to the positions held prior to September 2000;
4. Calls on the Palestinian Authority to meet its expressed commitment to ensure that those responsible for terrorist acts are brought to justice by it;



**PALESTINIAN FACTIONS, STATEMENT STRESSING THE
NEED FOR A UNITED FRONT, 8 OCTOBER 2002**

First, we condemn this ugly crime [the murder of Riot Police Head in Gaza, General Rajih Abu Lihyah, the ed.], which comes at a time when the number one propriety should be confronting the Israeli occupation and its crimes. We also urge that no security or political cover is given to the killers and to work on facilitating the arrest of those murderers by the official authorities to be later tried according to law.

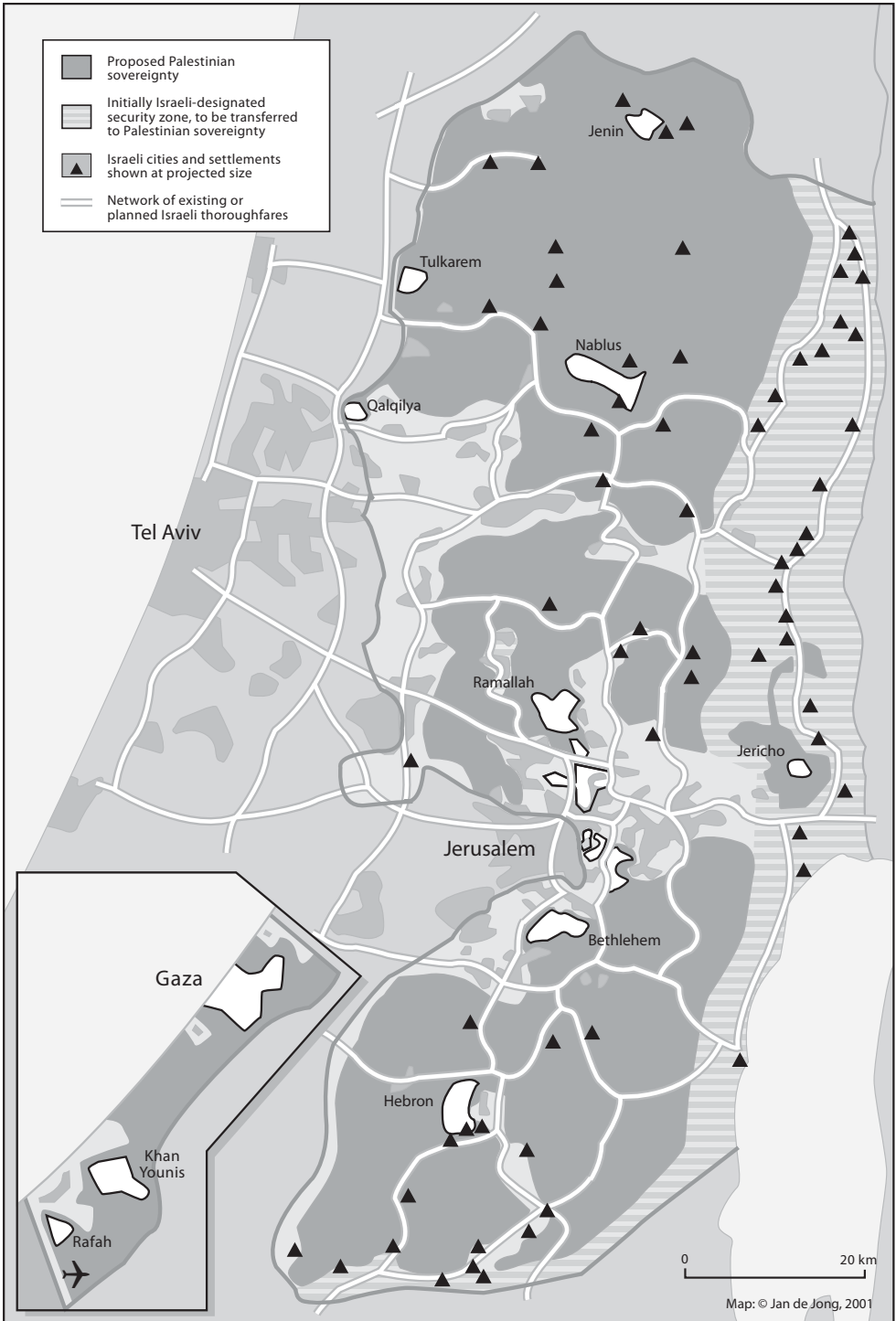
Second, we condemn all attempts, which lead to a Palestinian-Palestinian confrontation. We also express sorrow for the killing of innocent civilians.

Third, we call upon our people to stand as one in order to protect our national unity and the unity of the Palestine National Authority to maintain our struggle against the [Israeli] invaders until the achievement of our people's national goals.

Our people, who have successfully foiled all Israeli governmental plans, will not allow those outlaws to create a state of friction amongst our people, which will stay united in the face of the Israeli invaders and their crimes.

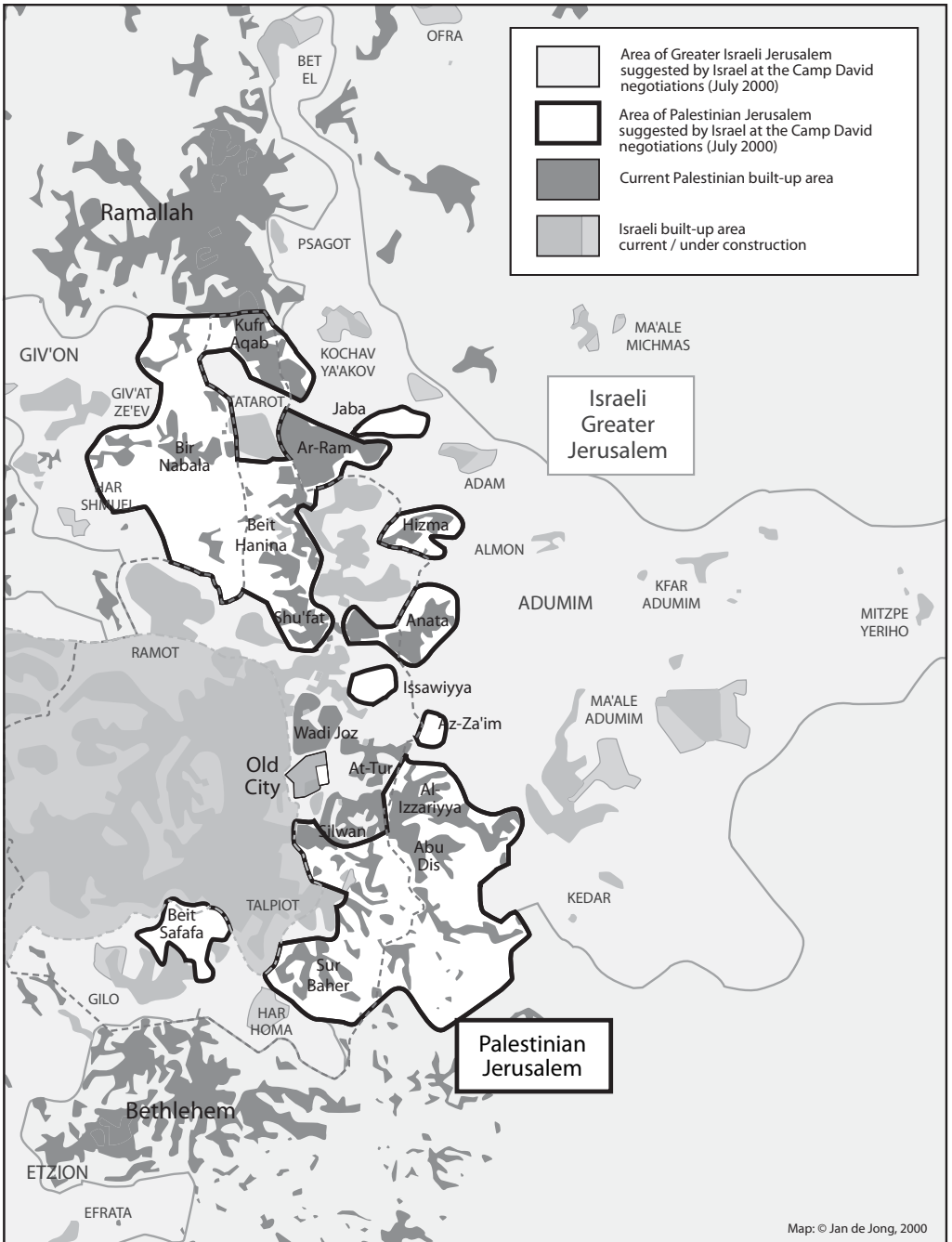


Map 1
Camp David Projection, July 2000



Map 2

Projection of the Israeli Proposal for Jerusalem's Final Status at Camp David, July 2000



Map 3

Taba Talks Projection, January 2001

